

CA20N
EAB
-H26

EA-87-02



Ontario

ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 361

DATE: Wednesday, March 4, 1992

BEFORE:

A. KOVEN Chairman

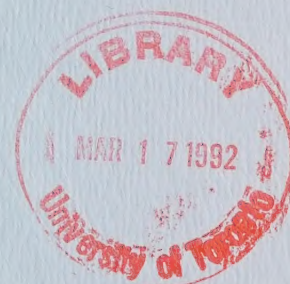
E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249

**EARR &
ASSOCIATES
REPORTING INC.**

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4



HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable
Jim Bradley, Minister of the Environment,
requiring the Environmental Assessment
Board to hold a hearing with respect to a
Class Environmental Assessment (No.
NR-AA-30) of an undertaking by the Ministry
of Natural Resources for the activity of
Timber Management on Crown Lands in
Ontario.

Hearing held at the offices of the Ontario
Highway Transport Board, Britannica Building,
151 Bloor Street West, 10th Floor, Toronto,
Ontario, on Wednesday, March 4th, 1992,
commencing at 9:00 a.m.

VOLUME 361


BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.	)	MINISTRY OF NATURAL
MS. C. BLASTORAH	)	RESOURCES
MS. K. MURPHY)	
MR. B. CAMPBELL)	
MS. J. SEABORN	)	MINISTRY OF ENVIRONMENT
MS. N. GILLESPIE)	
MR. R. TUER, Q.C.	)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN	)	ASSOCIATION and ONTARIO
MS. E. CRONK	)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY	)	ASSOCIATION
MR. D. HUNT)	
MR. R. BERAM		ENVIRONMENTAL ASSESSMENT BOARD
MR. J.E. HANNA	)	ONTARIO FEDERATION
DR. T. QUINNEY	)	OF ANGLERS & HUNTERS
MR. D. O'LEARY	)	and the NORTHERN ONTARIO TOURIST OUTFITTERS ASSOCIATION
MR. D. HUNTER	)	NISHNAWBE-ASKI NATION
MR. M. BAEDER	)	and WINDIGO TRIBAL COUNCIL
MS. M. SWENARCHUK	)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. D. COLBORNE	)	GRAND COUNCIL TREATY #3
MR. G. KAKEWAY)	
MR. J. IRWIN		ONTARIO METIS & ABORIGINAL ASSOCIATION
MS. M. HALL		KIMBERLY-CLARK OF CANADA LIMITED and SPRUCE FALLS POWER & PAPER COMPANY



Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761116532177>

APPEARANCES (Cont'd):

MR. R. COTTON		BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS	)	ONTARIO TRAPPERS
MR. R. BARNES	)	ASSOCIATION
MR. L. GREENSPOON	)	NORTHWATCH
MS. B. LLOYD)	
MR. J.W. ERICKSON, Q.C.)		RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK	)	MUNICIPAL COMMITTEE
MR. D. SCOTT	)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR	)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL		GREAT LAKES FOREST
MR. S.M. MAKUCH		CANADIAN PACIFIC FOREST PRODUCTS LTD.
MR. D. CURTIS	)	ONTARIO PROFESSIONAL
MR. J. EBBS	)	FORESTERS ASSOCIATION
MR. D. KING		VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. H. GRAHAM		CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY

APPEARANCES (Cont'd):

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>TERRY QUINNEY,</u> <u>BUD DICKSON,</u> <u>BOB STEWART</u> ; Resumed	62847
Continued Direct Examination by Mr. O'Leary	62847
Cross-Examination by Mr. Baeder	62970
Cross-Examination by Ms. Swenarchuk	63001

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
2143	Five separate pieces of correspondence re the minor amendment respecting a heron rookery on the Aulneau Crown Management Unit.	62850
2144	Seven letters indicating support with respect to the Coalition's proposed terms and conditions.	62869
2145	One-page document entitled Incremental Cost for Integrating Timber Management Planning and Preparation and Interpretation.	62877
2146	Document entitled MNR Model District GIS Project, the Evaluation Report, October 1991, authored by the MNR.	62885
2147	Four pieces of correspondence re OFAH's attempts to acquire provincial moose population data.	62912
2148	Document entitled The Moose Population of Ontario Revisited: A Review of Survey Data authored by Alan R. Bissett, dated July 1991.	62913
2149	Document entitled An Evaluation of a Select Moose Harvest Program in Ontario authored by Christopher Haydon, Dr. David Euler and Howard Smith, dated May 17th, 1991.	62913

INDEX OF EXHIBITS (Cont'd)

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
2150	Document entitled The OFAH/NOTO Moose Population Analysis Based on MNR Population Data and Policies.	62915
2151	A number of outstanding undertakings given by OFAH/NOTO.	62970

1 ---Upon commencing at 9:05 a.m.

2 MADAM CHAIR: Good morning. Please be
3 seated.

4 Good morning, Mr. O'Leary.

5 MR. O'LEARY: Good morning, Madam Chair,
6 Mr. Martel.

7 TERRY QUINNEY,
8 BUD DICKSON,
9 BOB STEWART; Resumed.

10 CONTINUED DIRECT EXAMINATION BY MR. O'LEARY:

11 Q. Dr. Quinney, perhaps I could start
12 with you. On page 13 of the witness statement in
13 response to question 16 you state about two-thirds of
14 the way through the first paragraph:

15 "While my staff and I continually receive
16 requests for independent professional
17 assessments from across the province our
18 ability to provide such support is
19 thwarted by the lack of
20 adequate, relevant technical information
21 or the information required is
22 practically inaccessible."

23 Can you provide us with with an example
24 of what you are referring to here, Dr. Quinney?

25 DR. QUINNEY: A. Yes, I can. This
refers to the Caution Lake minor amendment that came to

1 our attention about a year ago and there is some
2 documentation I'd like to file with the Board and it
3 consists of correspondence that OFAH had with the
4 Ministry of Natural Resources.

5 Essentially it came to our attention that
6 a road corridor was going to be put in place through a
7 great blue heron colony and we were interested in
8 knowing what steps MNR would be taking to deal with
9 that situation.

10 Now, I believe some of that -- copies of
11 that correspondence has been circulated.

12 MADAM CHAIR: This correspondence is
13 dated February 13, 1991?

14 DR. QUINNEY: Yes, Madam Chair. That is
15 one of the pieces. That would be the first piece.

16 MADAM CHAIR: Then a two-page listing of
17 events, chronology of events?

18 DR. QUINNEY: Sorry, Madam Chair, that's
19 a different --

20 MADAM CHAIR: Right, that's about moose
21 populations.

22 MR. O'LEARY: Q. I think you are
23 referring to the letters specifically, Dr. Quinney.

24 DR. QUINNEY: A. Yes. The second piece
25 of correspondence would be dated February 15 on OFAH

1 letterhead to Mr. Pyzer, the district manager of Kenora
2 District.

3 MADAM CHAIR: Yes, we have that, Dr.
4 Quinney.

5 DR. QUINNEY: The third piece would be a
6 February 20, '91, letter on MNR letterhead to Mr.
7 Alexander of OFAH.

8 MADAM CHAIR: Yes, we have that one.

9 DR. QUINNEY: On the back of that is the
10 fourth piece of correspondence that I would like to
11 bring to your attention. A letter dated February 28
12 from me to Mr. Pyzer.

13 MADAM CHAIR: February 20...

14 DR. QUINNEY: Eighth. I believe it was
15 photocopied right on to the back of the February 20
16 one.

17 MADAM CHAIR: Yes, it is.

18 DR. QUINNEY: The fifth piece of
19 correspondence would be a November 26, '91, letter on
20 MNR letterhead to me from Mr. Pyzer.

21 MADAM CHAIR: We don't have that one, Dr.
22 Quinney.

23 MR. O'LEARY: It should be there.

24 MR. FREIDIN: That's in the same package.

25 MR. MARTEL: Same package?

1 MR. FREIDIN: As the letters from --

2 MR. O'LEARY: They are all stapled
3 together.

4 MADAM CHAIR: They are stapled together,
5 all right.

6 DR. QUINNEY: So you have the fifth
7 piece, November 26, '91, from me to Mr. Pyzer.

8 The last piece of correspondence is to
9 Mr. Pyzer from me, February 29, '92.

10 MADAM CHAIR: All right. This will
11 become Exhibit 2143. This includes the five separate
12 pieces of correspondence on the issue of a minor
13 amendment respecting a heron rookery.

14 Is this on the Aulneau Crown Management
15 Unit, Dr. Quinney?

16 DR. QUINNEY: Yes.

17 ---EXHIBIT NO. 2143: Five separate pieces of
18 correspondence re the minor
19 amendment respecting a heron
rookery on the Aulneau Crown
Management Unit.

20 DR. QUINNEY: I will just perhaps
21 summarize by directing your attention to the second
22 piece of correspondence; that is, the February 15
23 letter, to Mr. Pyzer from me. I will just read the two
24 paragraphs under the section entitled Process for
25 Obtaining Comments.

1 "The presence of the heronry on the
2 Caution Lake corridor came to the
3 attention of the Ministry of Natural
4 Resources at least as early as last
5 spring."

6 That would be the spring of 1990. At
7 that time Mr. Alexander, as the Board knows, who
8 appeared earlier before you, indicated that he wished
9 to be kept informed of the means by which the Ministry
10 proposed to resolve the matter.

11 "Staff of your district office agreed to
12 do so. No further correspondence with the
13 OFAH on this matter was received until
14 supposedly a letter date January 18, '91,
15 was sent Mr. Charles Alexander.

16 Unfortunately, this correspondence was
17 never received. It was only this week
18 that Mr. Alexander received a call from
19 your office asking when our comments
20 would be submitted. Mr. Alexander
21 indicated that we had received no
22 documentation supporting the nature of
23 the resolution of the issue and was
24 promised to have the material faxed to
25 him. Unfortunately, he had to call the

1 office twice before he finally received
2 by fax the material supporting the
3 amendment. He was then asked to have his
4 comments back to the office by February
5 19, 1991. The OFAH wishes to notify your
6 office that we do not feel that is an
7 adequate period of time in order to
8 evaluate an issue of this nature. We
9 would request in the future that a
10 minimum of 30 days between the receipt of
11 such information and the deadline for
12 comments is received."

13 Then on the final page of that letter,
14 which is page 4 under Summary, Mr. Alexander and I
15 stated:

16 "Given the information made available to
17 the OFAH at the present time we are not
18 in a position to support the Ministry's
19 recommendation regarding the preferred
20 alternative. Until the information
21 requested is made available the OFAH must
22 formally object to the proposed minor
23 amendment to the Aulneau Crown Management
24 Unit Timber Management Plan. We would
25 request that no construction activities

1 of any kind whatsoever occur along the
2 alternative 1 route until our concerns
3 are resolved."

4 There are I guess a couple of things I
5 would like to emphasize to the Board.

6 No. 1 was the short notice that we were
7 given to respond once this situation came to our
8 attention. So there was a long period of time before
9 the heronry was first noted by MNR and public
10 notification of the situation was given.

11 Then there was a very short period of
12 time for public response which was, of course,
13 exacerbated by fact that Mr. Alexander didn't get the
14 material that he had requested.

15 MR. MARTEL: When was the first -- when
16 did you first know that the heronry was there? Do you
17 know that date?

18 DR. QUINNEY: That we, OFAH?

19 MR. MARTEL: Yes, Mr. Alexander.

20 DR. QUINNEY: Yes. I believe that was
21 late January '91.

22 MR. MARTEL: I'm not sure I'm making
23 myself clear. I think you said there were some
24 considerable time from first learning of the heronry
25 until the letter went astray and after that you were

1 given a relatively short period of time to respond.

2 I'm just wondering when in the sequence
3 of events how long had the Ministry known the heronry
4 was there.

5 DR. QUINNEY: At least the spring before.

6 MR. MARTEL: All right, that's fine.

7 Thank you.

8 Did they give you any reason why they
9 waited so long?

10 DR. QUINNEY: No, Mr. Martel. Following
11 my February 15 letter, '91, to MNR and February 20,
12 '91, letter to Mr. Alexander from Mr. Pyzer
13 acknowledges receipt of our February 15 letter and Mr.
14 Pyzer tells us that he will continue to keep us
15 informed.

16 That is the last piece of correspondence
17 we received from MNR, yes, following his letter to
18 me -- to Mr. Alexander of February 20 and then on
19 February 28 I wrote to him and thanked him for his
20 February 13 letter and stated we look forward to
21 further communication and we also requested additional
22 information, and then the next information we received
23 wasn't until the end of November, November 26th, 1991,
24 from MNR. A period of nine months.

25 Now, I believe this entire situation

1 could have been avoided and I would just refer you
2 briefly to the Coalition's term and condition No.
3 145(4) where we are requesting that:

4 "MNR shall in consultation with
5 appropriate public interest
6 representatives ensure that such
7 documentation is maintained up to date
8 for each species so designated."

9 Basically if a central repository of this
10 type of information that we had requested were
11 available I think the situation could have been
12 avoided.

13 MR. FREIDIN: You are referring to
14 145(4)?

15 DR. QUINNEY: Yes.

16 MADAM CHAIR: Excuse me, Dr. Quinney. If
17 this documentation was the problem you had particularly
18 to the location of this rookery in that management
19 unit, how would files on a species address that
20 problem?

21 DR. QUINNEY: Essentially my office
22 didn't have enough information provided quickly to us
23 to evaluate whether MNR's proposed mitigation measures
24 were sufficient in this system -- in this instance.

25 MADAM CHAIR: But would it have helped to

1 know -- are you suggesting taht such an MNR file would
2 have said something about a heron rookery in the
3 Aulneau Crown Management Unit?

4 DR. QUINNEY: Not necessarily, but
5 clearly heron colonies are not rare in the province and
6 situations like this presumably are not unique.

7 So that if the information were collated
8 in situations like this I think it would be -
9 collated - be easier for MNR to distribute more quickly
10 that information that we need to, for example, say to
11 them: Okay, fine, your proposal for this particular
12 amendment is fine.

13 MADAM CHAIR: So what you would like to
14 see in such a file is some reporting of what they did
15 when they encountered heron rookeries building roads he
16 willelse where?

17 DR. QUINNEY: Yes.

18 MADAM CHAIR: And some follow-up of how
19 those rookeries were affected?

20 DR. QUINNEY: Yes.

21 MR. MARTEL: But don't they have that
22 now, of what they do to get around rookeries and so on?

23 Was your problem really this problem or
24 was it that your organization notified MNR, MNR didn't
25 respond for quite some period of time, you didn't

1 follow it up for quite some period of time and the
2 information that was there was simply passed on when
3 somebody got around to doing it, but that in fact it is
4 probably sitting in a Ministry office anyway?

5 That doesn't excuse anyone, but I just
6 don't know how a central place to keep this sort of --
7 a place to keep this information is going to resolve
8 the difficulty. I mean, the information is there and
9 nobody answers the letter it doesn't make any
10 difference.

11 DR. QUINNEY: Yes.

12 MADAM CHAIR: Dr. Quinney, if you had
13 called a wildlife biologist at MNR, would they have
14 been able to say to you: We have encountered this sort
15 of situation in eight different timber management plans
16 and you could look at this one and this one and this
17 one?

18 DR. QUINNEY: I don't think so because in
19 the most recent correspondence; that is, the November
20 '91 correspondence from MNR, they actually ended up
21 going to great lengths to contact various specialists
22 to find out if their, in fact, proposals were
23 sufficient, were going to protect the heronry.

24 MR. MARTEL: Are there no procedures - I
25 don't mean formally in place - how they deal with

1 various or similar sites, whether it's avoiding a nest
2 and so on?

3 We saw when we were in Great Lakes/St.
4 Lawrence region, Algonquin, they have some application
5 of a prescription to get around some of these. I don't
6 suspect they are the same in each location though, are
7 they?

8 DR. QUINNEY: No.

9 MR. MARTEL: But they have some idea or
10 some policy as to how they are going to avoid...

11 DR. QUINNEY: Yes, for example, the
12 Heronry Guidelines and treating it as an area of
13 concern.

14 MR. MARTEL: Yes.

15 MADAM CHAIR: What you would want to know
16 in this situation then is the next time this kind of
17 situation was encountered you would like to go back to
18 a file to see that when we built the road in this way,
19 in this situation this is what happened a few years
20 later?

21 You would like to see someone go back and
22 investigate to see if it actually worked?

23 DR. QUINNEY: Yes. We have requested a
24 monitoring. MNR has agreed to that.

25 I suppose the main point I would like to

1 leave with the Board is, No. 1, we were given a very
2 short period of time to respond, then when we requested
3 the information that we needed to respond it wasn't
4 there. It wasn't there initially. It took them
5 several, several months to finally get us sufficient
6 information for us to say: Okay, now we can give you
7 our opinion.

8 MADAM CHAIR: You said that heron
9 rookeries are not rare, how many situations of this
10 type would be encountered during the course of a year?
11 Two or three or a dozen?

12 DR. QUINNEY: I couldn't speculate. I
13 don't know.

14 MADAM CHAIR: Thank you.

15 MR. O'LEARY: Q. Dr. Quinney, could I
16 take you to the November 26, 1991 letter from to the
17 MNR letter and yourself and refer you to the second
18 last page under the heading Monitoring.

19 DR. QUINNEY: A. Yes.

20 Q. The first paragraph states:

21 "We agree with the OFAH that it is
22 essential that adequate information is
23 collected so that future cases of this
24 nature can be analysed and the impacts
25 predicted. During a request to supply

1 the information requested by the OFAH it
2 became obvious while there is an
3 abundance of expert opinion available,
4 there is no one source (other than in the
5 present Heron Guidelines) that documents
6 the impacts of various development
7 and mitigative strategies on heron
8 rookeries. We have suggested to the
9 Wildlife Branch that a review of district
10 case history be assembled and made
11 available."

12 They then went to identify a few other
13 steps that they felt appropriate in what they were
14 proposing to do.

15 Can I ask you, first of all, whether you
16 agree with these steps and, secondly, whether or not
17 there is any consistency between those and some of the
18 monitoring provisions contained in the terms and
19 conditions of the Coalition?

20 A. Yes, I agree and they would be
21 completely consistent with our terms and conditions.

22 I suppose another point I would emphasize
23 with the Board is that often MNR is in fact data rich.
24 They have a lot of information, but it hasn't, as I
25 said, been collated and analysed.

1 When it is, as MNR is agreeing here, one
2 source being available, it will make it much easier in
3 future to deal more efficiently if situations like this
4 arise.

5 Q. Do you have any sense of what such
6 monitoring would cost or what resources would be
7 involved in that sort of process?

8 MR. FREIDIN: Wait a minute. Are we
9 talking about heron rookeries or are we talking about
10 all of the manuals and species that the Coalition is
11 suggesting that it be done for?

12 MR. O'LEARY: I think Dr. Quinney is
13 entitled to answer the question without being
14 cross-examined until your turn arises.

15 DR. QUINNEY: Okay. Well --

16 MADAM CHAIR: Excuse me. I think the
17 question in this instance is what would be the cost of
18 monitoring this particular situation?

19 MR. O'LEARY: Yes, but generally I am
20 inviting Dr. Quinney to indicate what the level of
21 resources would be required in respect of the
22 monitoring provisions in the terms and conditions as
23 well.

24 DR. QUINNEY: In a situation like this
25 the monitoring efforts would be quite minimal. For

1 example, you could have even a summer student in an
2 afternoon's worth of work collect the information
3 required to monitor the effects on that heronry of the
4 proposed mitigation.

5 So we're not talking about a great amount
6 of time and effort, but the point is that with that one
7 afternoon of summer student collecting the right
8 information and that done over a period of years you
9 are building a body of information that could, in fact,
10 be disseminated to other areas in the province as a
11 guide.

12 More generally, with reference to our
13 terms and conditions, I believe that one of the parties
14 in an interrogatory asked us that question and Mr.
15 Stewart gave an answer to that. I believe it's page 5
16 of the interrogatories, yes, in response to a question
17 from the Ministry of the Environment. Mr. Stewart was
18 asked:

19 "What level of study would be required to
20 determine cost/effect relationships?"

21 He gives a very full answer, but the
22 point is, No. 1, these are going to be site and
23 situationally specific.

24 MR. FREIDIN: I'm sorry. What number?
25 What interrogatory?

1 DR. QUINNEY: No. 7.

2 MR. FREIDIN: Of who?

3 DR. QUINNEY: The Ministry of the
4 Environment.

5 MADAM CHAIR: Excuse me, Dr. Quinney, but
6 we don't know if there are hundreds or thousands of
7 these situations or dozens.

8 DR. QUINNEY: We're not talking -- in the
9 case of the heronries?

10 MADAM CHAIR: Of all. Doesn't this apply
11 to all featured and other significant species?

12 DR. QUINNEY: I was trying to give a
13 response with reference to the type of level of
14 monitoring in a situation where we are trying to
15 determine, for example, impacts of timber activities on
16 particular non-timber values and the heronries can
17 serve as an example of this type of thing.

18 MR. MARTEL: If I might say, Doctor, what
19 is worrying me is that you start to build a central
20 repository -- that information was available I suspect.

21 I mean, MNR has a pretty good
22 communication network and on any given day they can
23 find out anything they want from any district and the
24 district has this information; what's going on within
25 its boundaries.

1 You know, I dealt with them for 20 years.
2 So when they want to find information they've got it
3 and I don't know if you start to -- if you want to deal
4 with any one given area why you couldn't get the
5 information sooner.

6 That bothers me simply because 10 months
7 shouldn't elapse to get a response and that building a
8 central location to try to accumulate everything in one
9 spot from a hundred units located whatever you want,
10 Sault Ste. Marie, Peterborough, whenever you want to
11 put it, it is going to be a lot of feeding in to
12 compile that sort of -- I don't dispute the idea, but
13 it seems to me that it already exists.

14 DR. QUINNEY: Exactly. Some of it, I
15 believe, does. Some of that does, but it hasn't been
16 put together in a form where it's, again, efficiently
17 disseminated.

18 MR. MARTEL: But would you do that unit
19 by unit or try to do it in a central location for the
20 whole of the province? I mean, that's what I am trying
21 to get at.

22 DR. QUINNEY: Well, you would use the
23 unit -- with computer storage facilities and things
24 like that there is no reason why the information
25 couldn't be made readily available to a particular FMU,

1 but you would use the information from a given FMU,
2 say, the Red Lake Crown unit where there was a heronry
3 situation, another FMU where there was a heronry
4 situation.

5 You would want to bring that information
6 together and analyse it so you could make some kinds of
7 predictions with reference to: Okay, what would happen
8 in a third FMU some time in the future with a similar
9 situation.

10 MR. MARTEL: I think the only thing that
11 worries me is that most of that is done now, isn't it?

12 We are not just discovering heronries,
13 heronries aren't new discovery in Ontario. They have
14 had experience with these, I'm sure, district by
15 district, FMU by FMU over the past number of years.

16 I'm just saying, if you try to feed it
17 all in because if you start with heronries what do you
18 move to next. I think the information exists. It is
19 case of the district putting it together in a form that
20 can be used or compared quickly when they want to
21 compare it.

22 DR. QUINNEY: I agree with that.

23 MR. O'LEARY: Q. Dr. Quinney, if I could
24 refer you back to the first page of that November 26,
25 1991, letter. I think you made reference to it, but I

1 would just like to return to it.

2 You say -- sorry, the Ministry states:

3 "During the months following our receipt
4 of your letter..." and they are referring
5 to the OFAHs letter.

6 "...the Ministry --

7 DR. QUINNEY: A. Excuse me.

8 Q. It is November 26, 1991. We are
9 looking at the first paragraph, about halfway down,
10 stated:

11 "During the months following our receipt
12 of your letter the Ministry of Natural
13 Resources has expended a great amount of
14 time and effort to provide a thorough
15 response to the request for additional
16 technical information. These efforts
17 include contacting a number of
18 specialists searching for and reviewing
19 other case histories and monitoring the
20 Caution Lake heronry on four occasions."

21 Can I ask you, if there was any sort of
22 centralized information depository what would the
23 benefits have been in terms of the resources that the
24 Ministry would have had to devote to this particular
25 letter of yours, the resources the Ontario Federation

1 of Anglers and Hunters devoted to this particular case
2 and that of perhaps the forest industry and others?

3 A. They would have been considerably
4 less.

5 Q. In terms of using that information in
6 future situations, can you tell us the value of such a
7 central information depository?

8 A. Well, again, there are all kinds of
9 benefits. There will be benefits to organizations like
10 myself or like ours because we would be able to, No. 1,
11 assist our members more quickly and I think MNR
12 themselves would benefit from this as well.

13 MADAM CHAIR: Excuse me, Dr. Quinney. In
14 this situation, was the matter brought to your
15 attention by MNR or by your membership?

16 DR. QUINNEY: By our membership. It was
17 Mr. Alexander who first brought it to our attention.

18 MADAM CHAIR: And for what reason?

19 DR. QUINNEY: For what reason? Well,
20 again, he was interested in and concerned with what MNR
21 proposed to do to protect this heronry given the
22 proposed corridor alignment, road corridor alignment.

23 MR. O'LEARY: Q. Dr. Quinney, on page 14
24 of the witness statement you make reference to the
25 letters that are contained under Tab 5 and it's really

1 that tab that I would like to refer you to. These are
2 various letters from various groups indicating support
3 of the Coalition's position.

4 Can you tell me, has there any been any
5 other communications received from other groups
6 indicating any support with respect to the Coalition's
7 proposed terms and conditions in anticipation of this
8 hearing?

9 DR. QUINNEY: A. Yes, there have. I
10 believe I have provided those additional pieces to the
11 Board.

12 MR. O'LEARY: That's the set of
13 documents. The top letter should be, Madam Chair, a
14 letter dated December 22nd, 1991, from Shimano Canada.

15 MADAM CHAIR: Yes.

16 MR. O'LEARY: The next letter in there is
17 a letter from the Ontario Fur Managers Associated dated
18 January 27, 1992; there is another letter attached
19 dated January 28, 1992, from Friends of Fur; the fourth
20 letter is the Fur Harvesters Auction Inc. dated January
21 28, 1992.

22 There is a letter dated January 30th,
23 1992 from the Fur Institute of Canada. That's two
24 pages. There is a letter dated February 12, 1992 from
25 the Ruffed Grouse Society of Canada, and the final

1 letter has a date stamp February 18th, 1992 and it is
2 from the Bancroft Area Conservation Alliance.

3 MADAM CHAIR: Do you want an exhibit
4 number for these, Mr. O'Leary?

5 MR. O'LEARY: Yes, please.

6 MADAM CHAIR: These will become Exhibit
7 2144.

8 ---EXHIBIT NO. 2144: Seven letters indicating support
9 with respect to the Coalition's
proposed terms and conditions.

10 MR. O'LEARY: Q. Dr. Quinney, is there
11 anything you would like to say in respect of these
12 letters?

13 DR. QUINNEY: A. Yes, if I may. I would
14 also mention that a letter such -- letters of support
15 such as these were mentioned in an interrogatory. MNR
16 question No. 7(a) -- sorry, MNR question No. 5 on page
17 31.

18 MNR requested an example of the type of
19 information that we provided various groups and
20 individuals and in the attachments to the
21 interrogatories there is an example of a letter that I
22 sent out.

23 Q. Dr. Quinney, can I ask you whether or
24 not, aside from the parties to this hearing, the
25 Coalition has received any letters opposing its plan

1 terms and conditions?

2 A. No, we haven't. We went to great
3 lengths to solicit opinions from a wide range of public
4 interests concerning our proposals, various drafts, if
5 you like. Our terms and conditions had been circulated
6 for a long, long time. They had been made available at
7 open houses as an example.

8 I guess my point here is that we wanted
9 to hear from a really broad segment of the public, hear
10 their opinions for critical evaluation, for example,
11 and we did not receive any letters criticizing our
12 approach, and the opposite in fact, that from a broad
13 spectrum of interest we are getting support for the
14 planning process that we request be put in place in the
15 province.

16 So I hope it gives the Board a sense of
17 the real widespread support out there for the types of
18 proposals that we're putting forward.

19 Q. Mr. Stewart, perhaps I could ask you,
20 you have indicated in your evidence to date that there
21 is a good deal of similarity between the terms and
22 conditions which the Coalition is proposing here and
23 your involvement in various planning processes in
24 Saskatchewan.

25 I was wondering if you could advise us of

1 what the level of support is for the planning process
2 in Saskatchewan?

3 MS. SWENARCHUK: Madam Chair, with
4 respect, I think that that's exactly the kind of
5 evidence the Board has said in the past it will not
6 have. We are going to have a survey of Saskatchewan
7 opinion. I think we need a little bit more than a base
8 statement to support it.

9 MADAM CHAIR: What was your question, Mr.
10 O'Leary?

11 MR. O'LEARY: I was asking for Mr.
12 Stewart's experience in terms of the public and private
13 interest and government interest acceptance of a
14 similar type of planning process in Saskatchewan,
15 whether it is something they understand, whether it is
16 something they are able to follow, whether it is
17 something they are willing to accept.

18 It flows out of earlier questions in our
19 Panel 2. If appropriate, could I ask Dr. Stewart to
20 response to that?

21 MADAM CHAIR: The Board isn't sure
22 exactly what's going on in Saskatchewan. We have Mr.
23 Stewart's evidence with respect to his work for NORSASK
24 and Mr. Stewart could comment on his experience with
25 meeting the public in the NORSASK project, but so far

1 as the Board knows we don't have any other evidence
2 about what's going on in Saskatchewan.

3 Again, we will put whatever weight we
4 think is appropriate on Mr. Stewart's comments.

5 MR. O'LEARY: I understand.

6 Q. Mr. Stewart, perhaps you could
7 respond.

8 MR. STEWART: A. It's difficult to
9 suggest that there is broad public support. We're
10 involved in a process right now on behalf of the
11 province that the province is paying for to solicit
12 public opinion with respect to the attitudes of the
13 people in Saskatchewan about forest management in the
14 broadest sense.

15 The initiatives that are taking place on
16 the west side of the province have not met with any
17 public opposition with respect to the approach and the
18 sequence of activities that we are proposing to do.

19 That does not suggest that there is not
20 opposition in Saskatchewan to forestry overall. So I
21 would have felt more comfortable if this was a year
22 from now and we could have answered that question, but
23 I can't speak on behalf of the public.

24 MR. MARTEL: What is happening in
25 Saskatchewan presently? I don't want to go into a

1 lengthy discussion, but (a) is there public involvement
2 at all, do they have a planning process and how much
3 timber activity is there?

4 MR. STEWART: The timber activity is in
5 terms of approximately three million cubic metres of
6 annual harvest.

7 There is not a well-defined plan process
8 that involves any level of public participation. In
9 fact, I would say it's probably to the contrary. There
10 is at this time a major initiative by the Saskatchewan
11 government which is to be completed over the next year
12 to solicit the views and attitudes of people of the
13 Saskatchewan through an extensive consultation process
14 that will take place through a series of public
15 meetings, extensive telephone interviews and extensive
16 focus group sessions within communities close to the
17 forest activity to fully elicit the views and the
18 values that the people of Saskatchewan have with
19 respect to forest management.

20 The planning process does require
21 submission of 20-year plans which are public documents
22 which the companies once every 10 years are required to
23 produce which they take out at large to all of the
24 major communities in Saskatchewan, to solicit input and
25 feedback from people.

1 The five-year and annual planning process
2 result in a production of documents that have not
3 traditionally been made readily available to the
4 public, although they are available within the files of
5 the Department of Parks and Renewable Resource who are
6 responsible.

7 The public does not have the opportunity
8 to take the plans out of those files. They must go to
9 the government agency and sit down and review them.

10 MR. O'LEARY: Q. Can I ask you, Mr.
11 Stewart, what experience you have had in budgeting for
12 the implementation of timber management planning
13 processes such as that you indicated similar to that in
14 Saskatchewan of the Coalition's?

15 MR. STEWART: A. With reference to the
16 NORSASK Project that we're currently undertaking, we
17 have been required to submit a budget for approval
18 based on the activities that we are proposing to carry
19 out which are large, very similar in nature to what the
20 Coalition is proposing, but there are some key
21 differences that we have to appreciate in coming up
22 with a budget estimate because this is a private
23 initiative. It is not being conducted by the ministry
24 in the province. It is being conducted by the company
25 who is carrying out the timber activity.

1 As such, the nature of their organization
2 and responsibilities that they have would be different
3 than what you would expect in a ministry.

4 Nonetheless, the technical components,
5 the requirement for engaging in significant public
6 consultation, the type of documentation that will be
7 produced is in all senses very similar to what the
8 Coalition is seeking for here.

9 This budget has been approved by NORSASK
10 Forest Products.

11 MADAM CHAIR: Excuse me. Is NORSASK a
12 privately held company or is it a Crown corporation?

13 MR. STEWART: NORSASK is a privately held
14 company, and it's a complex situation. The province
15 has about 50 per cent interest in the timber management
16 activities in the area through their involvement with
17 the pulp mill; that is, NORSASK holds the FMA.

18 So the requirement for the production of
19 the environmental assessment goes to the FMA holder
20 within which the pulp mill utilizes wood. The
21 government of Saskatchewan is approximately 50 per cent
22 holder in interest in that pulp mill. So it is
23 somewhat convoluted, but as we get around it, yes, the
24 province does have an interest.

25 MR. O'LEARY: Q. Could I ask you, Mr.

1 Stewart, have you undertaken any similar type of
2 costing analysis in respect of the Coalition's terms
3 and conditions?

4 MR. STEWART: A. I have and within the
5 context of my ability to fully comprehend what the
6 Ontario management situation is we have put an estimate
7 on what we think based on our budgeting exercise a
8 similar endeavor would cost here.

9 The approach that I took to this was to
10 basically look at one unit here, like the Red Lake area
11 or something of that size, and to evaluate the size of
12 the land base, the extent of the harvest, from what I
13 know of the nature of the harvest and to try to
14 estimate comparable activities that would be required
15 on that land base to what we are proposing for the
16 NORSASK land base.

17 Q. Can you advise us what your
18 conclusion are, Mr. Stewart?

19 A. We have a document that we would like
20 to enter.

21 MR. O'LEARY: It is a one-page document
22 entitled Incremental Cost for Integrating Timber
23 Management Planning and Preparation and Interpretation.

24 MADAM CHAIR: Thank you, Mr. O'Leary.

25 MR. O'LEARY: Perhaps we could give that

1 the next exhibit number.

2 MADAM CHAIR: Exhibit 2145.

3 ---EXHIBIT NO. 2145: One-page document entitled
4 Incremental Cost for Integrating
5 Timber Management Planning and
6 Preparation and Interpretation.

7 MR. STEWART: Based on our analysis we
8 have estimated a 20-year cost of approximately 70 cents
9 per cubic metre using the NORSASK approach as an
10 example. I have added 10 cents a cubic metre on for my
11 uncertainty about the nature of the nuances that may
12 describe forest management in Ontario and have included
13 an analysis of a one-time cost for GIS use as the
14 foundation of the data analysis system, and that we are
15 looking at approximately \$1 per cubic metre.

16 The assumptions that we used with respect
17 to Ontario were that there was an annual area harvested
18 of 200,000 hectares in the province with an average
19 volume per hectare harvested of 150 cubic metres.
20 These volume estimates are essentially identical to
21 that coming off the NORSASK licence agreement in
22 Saskatchewan.

23 MADAM CHAIR: Where did you get this
24 average volume per hectare, Mr. Stewart?

25 MR. STEWART: The Red Lake timber plan
had an indication there of 144 -- actual volume

1 harvested of 144 cubic metres per hectare. I simply
2 rounded it off for presentation sake.

3 MR. O'LEARY: Q. Just so we are clear.

4 In respect of the second box in the top of the page,
5 top of Exhibit 1245, Mr. Stewart, it refers to GIS.
6 Can you just clarify what area or what percentage that
7 is referring to?

8 Am I correct in understanding it is the
9 top 20 cents?

10 MR. STEWART: A. Yes. That is referring
11 to a one-time cost of constructing a GIS database and
12 having a GIS system in place that would allow you to do
13 the level of analysis that we are suggesting is
14 necessary to accommodate the sequence of planning.

15 MADAM CHAIR: Excuse me, Mr. Stewart, we
16 don't understand the unit of measurement on the chart.

17 MR. STEWART: It is cost per cubic metre
18 of wood harvested.

19 MADAM CHAIR: Cost per cubic metre of
20 wood harvested?

21 MR. STEWART: If I may, Madam Chair. The
22 basis of calculation costs for MNR documentation from
23 Panel 16 of MNR, August 3rd, 1990, suggested an
24 incremental cost of \$31.5-million to implement the
25 integrated resource management plan.

1 The total wood harvest that we have
2 estimated based on 150 cubic metres per hectare would
3 allow for about 30 million cubic metres of wood being
4 harvested annually in the Province of Ontario.

5 MADAM CHAIR: So what's the unit of
6 measurement that I am looking at? Is that a dollar?

7 MR. STEWART: It is the dollar value.

8 MADAM CHAIR: All right.

9 MR. MARTEL: And the 31.5 million is what
10 again? The cost of introducing the timber management
11 plan?

12 DR. QUINNEY: Yes, Mr. Martel. You will
13 recall in Panel 16 of MNR evidence that they gave us
14 some cost estimates for their new system, their new
15 terms and conditions.

16 MR. MARTEL: Yes, but that --

17 DR. QUINNEY: And then later on August
18 3rd, 1990, when MNR submitted redrafted terms and
19 conditions they added some additional prices on to
20 those terms and conditions.

21 MR. MARTEL: It went from 28 to 31, I
22 think.

23 DR. QUINNEY: Yes. Actually, I believe
24 it is 31.3.

25 MR. MARTEL: Yes, I just round it off.

1 DR. QUINNEY: That's where that figure
2 comes from. The Board has that information.

3 MR. MARTEL: My computer is not working
4 very well this morning.

5 MR. O'LEARY: Has it come down with the T
6 and C recently?

7 MR. MARTEL: It's coming down with the
8 new Michaelangelo virus.

9 MR. O'LEARY: Very artistic virus.

10 Q. Mr. Stewart, could I ask you, in
11 respect of the estimate of the cost for GIS, do you
12 have any view as to the reliability of the estimate you
13 are putting forward and do you have any information as
14 to how it compares with that of the Ministry of Natural
15 Resources' estimate for the cost of digitized GIS?

16 MR. STEWART: A. Well, the reliability
17 of the cost is based on the fact that our company owns
18 and operates the GIS system that is presently used to
19 do this.

20 I have had to personally sign the cheques
21 and, as such, am continually aware of what the cost of
22 GIS is because it is a relatively significant cost in
23 any business today, but when we look at the cost per
24 unit area of delivering the product that is something
25 else.

1 There is a great tendency today to allow
2 data technology and information technology to run us
3 over, I guess. We often grab on to things like GIS and
4 other technologies and go whole hog to get the perfect
5 product.

6 You can view GIS is many different
7 senses. If you are looking for a tool to help you make
8 decisions, do you need the most accurate geographic
9 product available today, and the answer is absolutely
10 no, and a phenomenal amount of effort has been spent by
11 the mapping engineers in Canada - and I am not being
12 critical of them because this is a very important
13 component of their job function - to search for the
14 highest level of geographic accuracy in map
15 projections.

16 We put together a base map for the
17 NORSASK area for a million hectares of the productive
18 land base there in approximately one year by using --
19 what they have there are 1:12,500 forest inventory maps
20 and I think here you are to 1:15,000 or 1:15,280 or
21 something of that nature. I'm not exactly sure of the
22 scale used in Ontario, but they are quite similar.

23 We have recently sought information on
24 behalf of our client about having some other products
25 scanned and scanning is improving in its quality such

1 that we can send out a map that covers an area of 10
2 kilometres by 10 kilometres with all the forest stands
3 on it and in Saskatchewan an average map would probably
4 have 800 and 1,200 such stands identified.

5 The cost of that product, according to a
6 conversation I had with some of my staff two or three
7 days ago, would vary between \$1,200 and \$2,000. It
8 depends somewhat on the level of complexity.

9 What we would get back for that is a
10 digital map that has been fully structured, and when I
11 say fully structured that means the identifiers
12 associated with each of those polygons would be
13 distinct.

14 MADAM CHAIR: Excuse me. Is this per
15 stand?

16 MR. STEWART: This is per map sheet of
17 100 square square kilometres.

18 MADAM CHAIR: Thank you.

19 MR. O'LEARY: Q. How much does that work
20 out to on a square kilometre basis?

21 MR. STEWART: A. Well, it looks like it
22 is \$20 to \$25.

23 Q. All right. Do you know -- sorry.

24 A. Now, I would like to add, once we
25 have that product and you had the digital attribute

1 file that describes those stands, you then attach that
2 file to the digital map. Within most of the forestry
3 data base attribute files there is usually a fairly
4 complex description of the nature of that stand and
5 information related to drainage and texture of soils.

6 So by combining these two databases you
7 have a functional GIS product of the forest resource
8 inventory. Once you have that product, you then have
9 the ability to begin forecasting successional trends by
10 adding a wood supply model to it.

11 We're not talking about something that
12 has to be horribly expensive to deliver a worthwhile
13 product.

14 Now, you can go to other levels of detail
15 and it could cost you substantially more money than
16 that to have a system that gives you a small
17 incremental increase in your ability to have total
18 confidence.

19 Q. Do you have any information as to
20 what the MNR has indicated would be the cost of
21 implementing GIS in Ontario?

22 A. Well, I have reviewed a document
23 entitled MNR Model District GIS Project, The Evaluation
24 Report, October 1991.

25 Is that to be entered as...

1 MR. O'LEARY: It is a fairly lengthy
2 document, Madam Chair. We are happy to make copies,
3 but perhaps you could refer to the sections and subject
4 to any objections --

5 MR. FREIDIN: Well...

6 MR. O'LEARY: Do you want the whole
7 document? Perhaps you want to file it some time, Mr.
8 Freidin.

9 MR. DICKSON: It is only 200 pages.

10 MR. FREIDIN: Well, it would have been
11 nice to have known that this evidence would be given
12 and this reliance would be given. We have been asking
13 for constant information.

14 MR. O'LEARY: It is his document.

15 MR. FREIDIN: Anyway, do with the
16 document whatever you want to, Mr. O'Leary.

17 MADAM CHAIR: Mr. Freidin, are you
18 bringing reply evidence on...

19 MR. FREIDIN: GIS?

20 MADAM CHAIR: GIS.

21 MR. FREIDIN: Most likely, yes.

22 MADAM CHAIR: Then why don't we put this
23 document into exhibit now.

24 MR. O'LEARY: We will be happy to.

25 MADAM CHAIR: This will be Exhibit 2146.

1 What is it, Mr. O'Leary?

2 MR. O'LEARY: This is a document -- would
3 you read the title?

4 MR. STEWART: The document is entitled
5 MNR Model District GIS Project, the Evaluation Report,
6 October 1991.

7 MR. O'LEARY: It is authored by the
8 Ministry of Natural Resources.

9 ---EXHIBIT NO. 2146: Document entitled MNR Model
10 District GIS Project, the
11 Evaluation Report, October 1991,
12 authored by the MNR.

13 MR. STEWART: The document is
14 approximately 155 pages and provides some considerable
15 detail on the cost of carrying out GIS through some
16 pilot projects at various places in Ontario and by
17 district.

18 Although I didn't spend a lot of time,
19 shall I say, looking at Cambridge District and Timmins
20 District, which were the two areas that were
21 considered, the figures that I was interested in were
22 related to the cost.

23 I understand that there certainly are
24 differences in the way that consultants do business and
25 government does business, but these kinds of numbers
are quite startling and the size of them. Despite

1 this, they are indicating I think in this report a two
2 to one cost/benefit ratio to -- or benefit to cost
3 ratio.

4 MR. FREIDIN: I'm sorry, what did you
5 say?

6 MR. STEWART: A two to one benefit to
7 cost ratio for the corporations of GIS into the
8 Ministry of Natural Resources.

9 MR. O'LEARY: Q. Can you explain what
10 that means?

11 MR. STEWART: A. They are suggesting
12 that the benefits that the Ministry would receive would
13 outweigh the costs of it by two to one.

14 Q. Can you identify where in the report
15 you obtained that information?

16 A. Can I just follow my first line of
17 thought here and then I will look for that?

18 Q. Yes.

19 A. I just wanted to outline that there
20 is a statement in here in the executive summary which
21 is on page 4 Roman numeral and I will simply read it.
22 It is not very long.

23 "Because GIS is --

24 MR. FREIDIN: Roman numeral (iv)?

25 MR. STEWART: Roman numeral (iv),

1 paragraph 2.

2 "Because GIS is a very large capital
3 investment approximately \$300 per square
4 kilometre, implementation through the
5 whole MNR dictates a cautious structured
6 and sequenced approach. MNR must now
7 develop a GIS implementation strategy and
8 action plan which utilizes the model,
9 project, knowledge, experience and
10 system."

11 I'm not suggesting that there is not
12 value for dollar at \$300 per square kilometre. There
13 are substantial differences in the approach in these
14 pilot projects in terms of the investment in hardware,
15 the investment in software, the investment in staff and
16 investment in training that it is our experience that
17 we require in our business to handle the types of
18 information that are important to us efficiently.

19 I have indicated a cost of \$25 per square
20 kilometre to obtain the most basic of information
21 necessary to begin analysing timber management
22 decisions.

23 There are continual added costs that go
24 into GIS once you have made a commitment to it because
25 the technology is evolving so quickly and the

1 associated software databases and the potential utility
2 that many of these have to the decision process require
3 continual commitments to updating and upgrading and
4 movement towards better data storage systems.

5 The cautionary note I guess is your
6 comments about a central data registry, Mr. Martel. I
7 share that very strongly, that the cost of centralizing
8 the data on computers in a GIS format for extremely
9 large areas is a task and one that should facilitate
10 considerable efficiency in data flow, but because we
11 are talking about people too running systems, when we
12 get into these large central registries there can be
13 delays in those systems as well.

14 Nonetheless, the technology is moving so
15 quickly that if these types of databases existed at the
16 FMU level and there was an intent to put them on a
17 central registry, to have a central forest inventory
18 data base and a central non-timber value data base or
19 whatever, then the attenuation to the accuracy of the
20 map product becomes critical and the cost goes up
21 substantially in providing that level of product, but
22 at the practical working level that may occur out on
23 the FMU.

24 I am suggesting that GIS at this time
25 could be put into place in relatively short order.

1 Staff could be trained in no more than six months to
2 begin providing the kinds of information that the
3 Coalition is suggesting is important in management
4 decisions.

5 I would just like to make reference to
6 one other section in this report which is Appendix A2,
7 page 103 through to 120. It refers to the Timmins
8 District GIS applications and themes.

9 The nature of the type of data that was
10 stored in the GIS system as part of their project, the
11 first was:

12 "Access points to allow district parks
13 recreation staff to determine access
14 point to lakes and rivers."

15 This is very simple data, easy to enter.

16 You could probably do the whole Red Lake
17 area, and I'm saying probably because I'm not sure how
18 many access points there are, but I know the rate at
19 which our GIS operators work and I would be surprised
20 if they would spend more than a week to 10 days
21 providing all that information.

22 "Administrative boundaries to allow users
23 to identify the territorial divisions
24 within a district."

25 In an area the size of the Red Lake unit

1 there certainty wouldn't be an excessive number of
2 these. If we were talking about Cambridge I would
3 suggest there would be an excessive amount because we
4 are looking at much higher human populations.

5 "Bear management area to allow users
6 within the wildlife branch to identify
7 various bear management areas as
8 established by the branch."

9 A relatively simple line of construction.

10 MR. DICKSON: If I might add on than.
11 With bear management areas, it's a very specific one
12 and to get just some basic information regarding number
13 of operators, distances, et cetera, it hasn't been
14 really easy.

15 MR. STEWART: The fourth one:

16 "Canoe route, camp site."

17 If canoe routes are located or the rivers
18 that they are located along, you simply go into the
19 system and indicate the segment at where the canoe
20 route is and you label it and then you can recall that
21 information at any time.

22 If you are interested in buffering it and
23 knowing what forest structures are around it, it is a
24 simple process. It is not a complex technological
25 exercise.

1 Where camp sites are.

2 "District Land Use Guidelines to aid
3 district planners in the implementation
4 of District Land Use Guidelines and make
5 information regarding these guidelines
6 available to other users."

7 I understand here that these are simply
8 zone boundaries that are sketched on maps at a 1:20,000
9 scale. Very simple information. Technical people do
10 this.

11 "Fire history."

12 I don't know exactly how the data is
13 stored in Ontario now, but I'm sure it's on hard copy
14 maps. You may want to take it off of a satellite. We
15 have a satellite system that we use in our office and
16 we have paid \$4,300 for it. It is called MIPS from
17 Nebraska. We can access any satellite data that
18 essentially exists today. It took my staff five days
19 to master at a reasonable scale the use of this
20 software. I didn't have to go out and hire a satellite
21 expert for the level of information that we're looking
22 at.

23 MADAM CHAIR: Has it been your
24 experience, Mr. Stewart, that you can identify fire
25 areas off satellite images?

1 MR. STEWART: Absolutely.

2 MADAM CHAIR: As distinguished from
3 clearcuts or other event in the forest?

4 MR. STEWART: Well, because we know that
5 fires have occurred in an area and when they have
6 occurred. You are limited in ages that you can go
7 back. Once the fire area regenerates to a point it may
8 appear similar through vegetation patterns to a
9 clearcut, but fires are generally not the same shape as
10 clearcuts and generally there is knowledge of a fire
11 history because ministries and departments take action
12 against these things. So for updating fires, new
13 fires, absolutely.

14 Right now I'm sure the Ministry orders
15 the fire satellite maps and sits there and draws them
16 on a piece of paper. This is the common way of doing
17 it rather than going through a complex digital
18 exercise.

19 The boundaries of the forest management
20 units, the forest resource inventory which I referred
21 to earlier that can be scanned.

22 Land parcel theme from Lands
23 Administration Branch contains all land tenure
24 documents issued to the Crown.

25 Without reading further, I am looking at

1 this and it appears to be a relatively, again,
2 straightforward polygon data base.

3 "Moose aquatic feeding areas."

4 I do remember looking at the values map
5 for Red Lake. I can't recall if there were moose
6 aquatic feeding areas that were indicated there, but
7 that map is a perfect example.

8 My staff would produce that map in a day
9 if they had information, once they had the base map
10 down.

11 "Moose concentration areas."

12 Aerial surveys are done. What we
13 generally do in our system where we are trying to
14 identify important areas for moose, the province has
15 conducted aerial surveys in some of these areas for 20
16 years. We take those old records, we digitize them
17 into the computer, we break the map up into grid scales
18 and we calculate the densities within each of those
19 grids, we combine them over the 20 years and we get a
20 new map that is produced showing us where the moose
21 have been concentrated for the last 20 years and very
22 quickly we get an overview of the areas that have been
23 important to moose. There is no rocket science here.
24 It is very straightforward.

25 It can be better. You can do better

1 surveys if that's what's necessary, but what you tend
2 to do then is, once I understand where the
3 concentrations of moose have been for 20 years I ask my
4 staff to program the computer to tell me what forest
5 structures are there and to the best of our knowledge
6 what forest structures were there 20 years ago.

7 So we can very quickly tie a relationship
8 between that habitat base and the moose population in
9 that area.

10 "Roads." Your roads will come with the
11 scanning.

12 "Township boundaries." These can be
13 provided if you are overlaying township grid on a map.
14 In Saskatchewan we have the opportunity to get these
15 from a central mapping agency of the government and I
16 know there are similar agencies in Ontario who have
17 spent a lot of money providing some level of digital
18 information. You are not starting from base zero here.
19 This could be 1:250,000 digital maps for the whole
20 province now, I don't know, but these could be a good
21 starting point.

22 "Trap lines." Not very difficult.

23 "Trapline cabins." Locate cabins on
24 there. These are just points on a map.

25 "Watersheds." We are managing the

1 NORSASK FMLA by watersheds units. We obtained the data
2 from Stats Canada and the Saskatchewan Water
3 Corporation in both hard copy and digital forms. We
4 simply downloaded the information and laid it on our
5 mapping.

6 Finally, "wildlife management units." I
7 doubt within the -- the Red Lake area may be divided by
8 a wildlife management unit, but would not be
9 encompassing, I don't think, from what I know of
10 Ontario, more than one, but I could be corrected on
11 that.

12 So the intent here of my comments are
13 that in the NORSASK area we are doing all of this plus
14 we have also produced digital soils maps where I had my
15 staff digitize the 1:250,000 soils map for the whole
16 area. There are surficial geology maps we produce for
17 the whole area and we have not spent millions of
18 dollars doing this.

19 If I was aware that I was going to be
20 addressing this at this detail here I could have
21 brought on exact figure. If I was to take a guess on
22 what we have committed to the NORSASK area totally
23 since I have been involved there over the last two and
24 a half years, and this is simply coming off the top of
25 my head as my best judgment, \$300,000.

1 The computer system, the software cost
2 \$12,000. It is called TERASOFT (phoen) and it is one
3 of the accepted software GIS packages used in Canada
4 today. The most common use piece of software is called
5 ARBIMFUL (phoen). That's sort of the standard of the
6 industry. I would be surprised if it cost more than
7 15- or \$20,000 for a fairly sophisticated product.

8 You run these thing on a P.C. computer.
9 Right now we are using 486 33 megahertz, IBM
10 compatible, \$6,000 computers and adding to that a
11 plotter, a pen plotter that will produce maps that are
12 the size of one township essentially at a scale of
13 1:12,500. That could easily be reproduced to the
14 standard scale that the Ministry uses here as well.
15 That machine cost 6- to \$7,000.

16 The storage that we have inside of this
17 computer is an 800 meg drive. It is large, but not
18 excessive today and there are new storage systems
19 coming out all the time.

20 We can't put the whole licence into one
21 file because of the size of it, but we are managing by
22 watershed and we're aggregating our database across the
23 whole agreement area.

24 So, yes, there are limitations, but the
25 limitations are not so significant that we are not

1 using them and planning to use them even more so in
2 going through the forecasting forest structures.

3 MADAM CHAIR: Are we getting close to the
4 morning break, Mr. O'Leary?

5 MR. O'LEARY: If you would like to take a
6 little earlier break that would be fine. We have just
7 a couple more areas and then the evidence-in-chief will
8 be done. The next area is going to take -- it might be
9 better to do it...

10 MADAM CHAIR: Have the break now and come
11 back?

12 MR. O'LEARY: Yes.

13 Just to complete this area, Dr. Quinney
14 or Mr. Stewart may have one other comment to make, I
15 don't know.

16 MR. STEWART: I'm just going to relate to
17 the benefit/cost which is under Section E3, page 71 of
18 the same document and I will simply read from that.

19 "The model project results show that the
20 benefit of implementing a GIS exceeds the
21 costs by a factor of approximately two to
22 one given a ten-year return on
23 investment. It should be noted that
24 there are additional qualitative
25 benefits not included in this factor."

1 Since I am not an economist I don't wish
2 to go a whole lot further on that statement.

3 MADAM CHAIR: Thank you, Mr. Stewart.

4 MR. O'LEARY: Thank you Mr. Stewart.

5 MADAM CHAIR: We will take our morning
6 break and be back in 20 minutes.

7 ---Recess at 10:25 a.m.

8 ---On resuming at 10:50 a.m.

9 MADAM CHAIR: Please be seated.

10 Before we start, Mr. O'Leary, we had a
11 scoping session scheduled this afternoon on the
12 evidence of the Ontario Metis and Aboriginal
13 Association and we won't be hearing that today.

14 We understand that a motion will be
15 brought for the Board to listen to arguments about the
16 admissibility of this evidence or the Board's
17 jurisdiction to hear it.

18 I think that might takes place in two
19 weeks, but I think we should have some firmer idea by
20 the end of today or tomorrow what the scheduling might
21 be. Mr. Martel reminds that me that I am going away in
22 two weeks. Next week.

23 MR. O'LEARY: Perhaps we can hold it
24 there.

25 MADAM CHAIR: Go ahead, Mr. O'Leary.

1 MR. O'LEARY: Thank you, Madam Chair.

2 Q. Dr. Quinney and Mr. Stewart, I would
3 like to now turn to the area of setting objectives at
4 the provincial, regional and FMU level and deal
5 specifically with the issue of moose populations.

6 During the cross-examination of Dr. Euler
7 in Panel 10, Volume 93, starting at page 15545,
8 starting at line 16, Dr. Euler was asked a number of
9 questions regarding how the provincial moose objective
10 of 160,000 moose by the year 2000 was developed.

11 Can I ask you, Dr. Quinney, whether or
12 not you have reviewed those transcripts?

13 DR. QUINNEY: A. Yes.

14 Q. Dr. Euler explains in the transcripts
15 how the target was reached by using a moose density of
16 .26 moose per square kilometre and multiplying that by
17 the 600,000 square kilometres and you end up with a
18 moose target of 160,000.

19 Now, on page 15547, Dr. Euler states in
20 response to a question from the Chair regarding why the
21 moose population objective was not set at 180,000
22 moose, he states that:

23 "Part of coming up with 160,000 is this
24 tradeoff between social and biological
25 and economic and all of these things.

1 The final number is a combination of a
2 lot of different pressures on us other
3 than just the biological capacity of the
4 land. Now, in fact, research done since
5 this suggests we could carry out
6 biological a lot more than 160,000."

7 Later in the transcripts on page 15549,
8 starting at line 21, Dr. Euler agrees that:

9 "Moose densities up to two moose per
10 square kilometre could be achieved with
11 good habitat."

12 Can I ask you, Mr. Stewart, whether you
13 have a view about the reasonableness of this density of
14 two moose per square kilometre?

15 MR. STEWART: A. When I looked at that
16 my response was yes and no, and I will explain a little
17 bit.

18 It is possible to have densities this
19 high and it translates, in my mind, into five moose per
20 square mile or two moose per square kilometre, these
21 are the types of numbers we are looking at if we want
22 to work in square miles, and populations of this level
23 have been observed in some areas.

24 But my professional judgment would
25 suggest that this is a rare circumstance and occurs

1 only on limited spacial areas. On the other hand, I
2 would suggest that looking at goals of one moose per
3 square mile or .06 moose per square kilometre from my
4 involvement as a moose biologist would be reasonable.

5 Q. Thank you. Moving along in the
6 transcripts, Dr. Euler indicates at the top of page
7 15551:

8 "It would not be realistic to apply the
9 two moose per square kilometre over
10 entire the 600,000 square kilometres."

11 However, when he was asked what would be
12 a more realistic number he indicated at line 11 that:

13 "I haven't sat down and thought about it,
14 but it would be less than this whatever
15 million moose that you come up with."

16 Can I ask whether or not you have a view
17 as to the necessity of determining the maximum carrying
18 capacity of the land base as part of a resource
19 management decision-making process?

20 A. Well, if you are going to establish
21 the bounds on which to base an objective it is entirely
22 reasonable to suggest that you should be viewing the
23 habitat as the basis of that forecast, that in the
24 absence of the habitat, if it is not there, it is
25 unreasonable to make any type kind of forecast of that

1 nature.

2 The problem that occurs, and it is one
3 that may be moose biologists haven't come to terms
4 with, is what the explicit relationship is between the
5 nature of the habitat and the number of moose that you
6 may expect to have.

7 Research that I conducted on the
8 Weyerhaeuser licence agreement area in Saskatchewan in
9 the mid 1980s looking at regenerating cut-overs was
10 that the amount of food that was produced, if that was
11 the basis of trying to make a projection, far
12 overwhelmed the reasonable expectation of the moose
13 population.

14 What I'm basically saying here is that
15 you get this rapid regeneration following cut-overs
16 that produces a tremendous quantity of forage for moose
17 and if you try to translate the availability and
18 quantity of that into biomass of moose through numbers
19 of animals it is not possible to easily do this without
20 considering more factors than that.

21 Simply because we can go in and create
22 cut-overs and create food doesn't mean that it
23 translates into a defined number of moose.

24 Therefore, the challenge that we face is
25 to understand the relationship between the structure of

1 the forest and the juxtaposition of food in relation to
2 cover. That becomes the critical part of the exercise
3 that we have to go through.

4 Q. Thank you. Just moving further down
5 the page, Dr. Euler then goes on at line 18 to indicate
6 that:

7 "In arriving at their moose population
8 target they traded off the cost to the
9 lumber industry versus moose population."

10 He states at line 22 in response to a
11 question regarding how many moose were traded off that:

12 "We did not put that kind of numbers to
13 it. That would be foolish."

14 Can I ask you, Dr. Quinney or Mr.
15 Stewart, do you have any comment in respect of Dr.
16 Euler's comment out of the transcripts?

17 A. My only comment is that you can't
18 achieve this from the provincial level, from the sort
19 of top/down basis. You do have to go out there and
20 evaluate the land base. You do have to start from the
21 bottom and move up to determine whether there has been
22 a tradeoff.

23 Until you have that kind of information
24 that suggests there are those links between the habitat
25 and moose, suggesting that there has been a tradeoff

1 and what the nature of that tradeoff is would not be
2 possible.

3 Q. Dr. Quinney, would you have anything
4 to add to that?

5 DR. QUINNEY: A. I agree with Mr.
6 Stewart and I disagree with Mr. Euler's statement
7 there.

8 Q. All right. Dr. Quinney, can I ask,
9 when the moose population target was being set for the
10 province was the Ontario Federation of Anglers and
11 Hunters given a range of potential moose populations
12 that might be achieved and the implications in terms of
13 costs to the lumber industry for the various
14 alternatives as the basis upon which to choose the
15 preferred moose population target?

16 A. No, we weren't provided with any kind
17 of range. It's my understanding that the provincial
18 target simply appeared and was incorporated into MNR
19 policy.

20 So what I'm saying then is there was no
21 clear assessment of any kind of tradeoffs between moose
22 numbers, lumber costs and there certainly wasn't this
23 bottom/up analysis that Dr. Stewart was saying was
24 required.

25 Q. Can I ask you in respect of

1 developing moose targets in the Strategic Land Use
2 Plans and the District Land Use Guidelines, were
3 tradeoffs provided to the public in terms of alternate
4 levels of moose population production and the cost to
5 the industry?

6 A. No.

7 Q. All right. Can I ask you, Dr.
8 Quinney, what was the Ontario Federation of Anglers and
9 Hunters' understanding as to availability of a right of
10 an appeal or review process such as one to the
11 Environmental Assessment Board when the strategic land
12 use planning targets, District Land Use Guideline
13 targets and provincial moose population targets were
14 established?

15 A. There was no appeal and part of the
16 problem with the district land use targets and the
17 regional level targets, again, it ties back to the fact
18 that there was no bottom/up analysis; for example, from
19 the FMU level up.

20 Q. Thank you. Continuing on again with
21 the cross-examination of Dr. Euler, at the bottom of
22 page 15551, starting at line 24, Dr. Euler refers to a
23 paper that he prepared regarding the economic impact of
24 prescribed burning on moose hunting and he estimated in
25 that paper the monetary value a moose being in the

1 order of \$1,130 in 1975.

2 He was then asked in the next page what
3 the economic value of the million or so moose traded
4 off in favour of timber management was worth and his
5 response was that:

6 "It is just foolish. It is just playing
7 silly games to do this and I'm just not
8 going willing to do that."

9 Can I ask you, Dr. Quinney or perhaps
10 you, Mr. Stewart, what your views are in respect of Dr.
11 Euler's comments?

12 A. No. 1, I would disagree and, No. 2, I
13 would say that's precisely the type of information we
14 need. These tradeoffs are being made and we need that
15 information. Tradeoffs are at the heart of resource
16 management decisions.

17 Q. Can I also ask you whether or not,
18 Dr. Quinney, you are familiar with the
19 cross-examination of Mr. Hogg which was during MNR
20 Panel No. 11 and specifically Volume 105, page 17677 to
21 17689?

22 A. Yes, I reviewed those transcripts.

23 Q. All right. Turning first to page
24 17679 where Mr. Hogg was presented with data from a
25 Ministry newsrelease regarding hunter tag allocations

1 which indicated significant reduction in tags for a
2 single year stated:

3 "What you should do is look at this
4 trend through time."

5 That's at line 11.

6 He was then presented with trend over
7 time data for tag allocations showing significant
8 reductions and he commented that:

9 "The trend through time data I guess we
10 asked you to look at are the moose
11 population numbers as opposed to tag
12 allocations."

13 That's at page 17685, line 6.

14 Can I ask whether or not the Ontario
15 Federation of Anglers and Hunters has attempted to
16 conduct such an analysis?

17 A. Yes, we have.

18 Q. Can you tell us a little more about
19 that analysis?

20 A. Well, yes. As a result partly of Mr.
21 Hogg's testimony we sought from MNR the information
22 required to do precisely what Mr. Hogg was suggesting,
23 look at trends over time.

24 Q. Can you tell us what sort of -- what
25 difficulty or how much time it took to obtain the

1 information that you required, and perhaps you can
2 indicate what the information was you were looking for?

3 A. Yes. No. 1, I believe early in the
4 week a chronology of events was provided to the Board
5 and basically that's a record of the OFAH head office
6 attempts to obtain the provincial moose population data
7 that we required to do the types of things that Mr.
8 Hogg was referring to in his testimony.

9 I think, as the Board can see, we started
10 almost two years ago trying to assemble this
11 information and this chronology of events includes
12 telephone conversations between my office and MNR and
13 also written correspondence between my office and MNR.

14 I would summarize by saying that we
15 obtained the final pieces of information we needed from
16 MNR via fax last Friday.

17 Q. What was the specific date of that,
18 Dr. Quinney?

19 A. I believe it would be February 28 or
20 February 29. I'm not sure.

21 Q. All right, thank you. Can you give
22 us a sense of the type of effort that was required to
23 obtain this information?

24 A. I think, as the chronology of events
25 shows, we have spent a lot of time and effort trying to

1 obtain what initially we had assumed, for example, as a
2 result of Mr. Hogg's testimony, would be readily
3 available.

4 We also assumed it would be readily
5 available, of course, because, for example, tag
6 allocations for moose harvest are occurring on an
7 annual basis in this province. So we thought, of
8 course, this would be a simple exercise.

9 Q. And in respect of the information you
10 say you received around the end of February, can you
11 give us an indication of the importance of that
12 information to the analysis which you have undertaken?

13 A. Well, we in fact couldn't do the
14 analysis before we had that particular piece of
15 information.

16 Q. All right.

17 A. That was the population targets by
18 individual WMU, by individual wildlife management
19 units, the population targets for the year 2000 that
20 MNR had set.

21 Q. All right. I would like to draw your
22 attention to a comment by Mr. Hogg actually and it is
23 actually in response to a question by the Chair back at
24 page 17687 of the transcript. The question is -- and
25 we are talking about the information in respect of

1 moose.

2 "Doesn't the public have access to the
3 moose population objectives?"

4 Mr. Hogg stated:

5 "It certainly has access to the
6 objectives in terms of population numbers
7 that are produced yearly. It's no
8 secret."

9 Do you have a view as to whether or not
10 this comment by Mr. Hogg is appropriate in light of
11 your experiences or the Federation's experiences in
12 terms of obtaining the information necessary for your
13 analysis?

14 A. It certainly doesn't fit with what we
15 have gone through here.

16 Q. Can I ask you and Mr. Stewart if you
17 could elaborate a little further on the analysis that
18 you have undertaken in terms of how it was performed
19 and its sources and ultimately its conclusions?

20 A. Yes. Just before we go into the
21 analysis, I would like to identify additional sources
22 of data that we used.

23 I made reference to the population
24 targets and also as a result presumably of my March 21,
25 '91, request to Dr. MacLean, the Director of Wildlife

1 Branch -- I believe the Board has a copy of.

2 MADAM CHAIR: March 21st, 1991?

3 DR. QUINNEY: Yes. I assume as a result
4 of that March 21 request which was, again, one in a
5 series, on December 20, 1991, my office received two
6 reports by MNR. One dated July 19, 1991, titled The
7 Moose Population of Ontario Revisited: A Review of
8 Survey Data 1975 to 1991 by Alan R. Bissett, Wildlife
9 Specialist, northwestern region with MNR.

10 I believe since that was a source of --
11 one of the sources of information we used for this
12 analysis it might be appropriate to exhibit it.

13 MR. O'LEARY: Madam Chair, perhaps we
14 could first mark the letter that Mr. Quinney referred
15 to, March 21st, 1991.

16 MADAM CHAIR: We haven't marked the
17 two-page chronology of events yet.

18 MR. O'LEARY: That's right. Perhaps we
19 should do that first. So the chronology of events will
20 be the next exhibit.

21 MADAM CHAIR: Shall we put these four
22 pieces of information in one exhibit?

23 MR. O'LEARY: We have another paper
24 that's going to be referred to in term of this
25 particular line of questioning.

1 MADAM CHAIR: So there will be five?

2 MR. O'LEARY: I believe so. Perhaps the
3 best way to proceed is to put the letter and the
4 chronology together in one exhibit and then leave the
5 papers separate.

6 MADAM CHAIR: Okay. Exhibit 2147 will be
7 the two-page chronology of events as described by Dr.
8 Quinney with respect to the OFAH's attempts to acquire
9 provincial moose population data, and the second piece
10 of correspondence in Exhibit 2147 is a March 21st,
11 1991, from letter from Dr. Quinney to from Dr. Jim
12 MacLean, Director of the Wildlife Branch at the
13 Ministry of Natural Resources.

14 MR. O'LEARY: Perhaps we should add two
15 further pieces to the exhibit. Chronologically you
16 will see first there is a letter dated June 21st, 1990,
17 to Mr. C. Jane from Dr. Quinney, a one-page letter.

18 The next piece would be a letter dated
19 March 15, 1991, from the Ministry of Natural Resources
20 to Mr. Quinney from J. MacLean, Director of Wildlife
21 Policy Branch.

22 MADAM CHAIR: All right. These four
23 pieces of correspondence will be Exhibit 2147.

24 ---EXHIBIT NO. 2147: Four pieces of correspondence re
25 OFAH's attempts to acquire
provincial moose population data.

1 MR. O'LEARY: The paper that Dr. Quinney
2 referred to is the document authored by Alan R. Bissett
3 of July 1991 entitled The Moose Population of Ontario
4 Revisited: A Review of Survey Data, and the written
5 portion consists of 30 pages with a number of graphs
6 and tables contained thereafter.

7 MADAM CHAIR: All right. That will be
8 Exhibit 2148, and it is dated July 1991?

9 MR. O'LEARY: That's correct.

10 ---EXHIBIT NO. 2148: Document entitled The Moose
11 Population of Ontario Revisited:
12 A Review of Survey Data authored
by Alan R. Bissett, dated July
1991.

13 MR. O'LEARY: The next paper that Dr.
14 Quinney will refer to is the one entitled An Evaluation
15 of a Select Moose Harvest Program in Ontario. Its
16 authors are Christopher Haydon and Dr. David Euler and
17 Howard Smith and that's dated May 17th, 1991. Perhaps
18 we could mark that as the next exhibit.

19 MADAM CHAIR: Exhibit 2149.

20 ---EXHIBIT NO. 2149: Document entitled An Evaluation
21 of a Select Moose Harvest Program
22 in Ontario authored by
Christopher Haydon, Dr. David
Euler and Howard Smith, dated May
17th, 1991.

24 MR. O'LEARY: Q. Dr. Quinney, I think we
25 interrupted you as you were about to complete your

1 answer in respect of the sources for the analysis that
2 you have undertaken.

3 DR. QUINNEY: A. Yes. We also referred
4 to Exhibit 377 which is the Moose Policy 1980 which had
5 harvest target values. That was entered in MNR
6 evidence.

7 MADAM CHAIR: What was the number of that
8 exhibit, please?

9 DR. QUINNEY: Exhibit 377.

10 MADAM CHAIR: Thank you.

11 DR. QUINNEY: So I'm trying to give you
12 an indication of the sources of information we used to
13 conduct this analysis of, for example, population
14 trends that Mr. Stewart will speak about.

15 MR. O'LEARY: Q. Perhaps I could invite
16 you, Mr. Stewart, and yourself, Dr. Quinney, to
17 elaborate on the study and your conclusion?

18 DR. QUINNEY: A. We should enter one
19 more exhibit for the Board's benefit.

20 MR. O'LEARY: Dr. Quinney or Mr. Stewart,
21 can you tell us what --

22 MADAM CHAIR: Excuse me. Do you want
23 these to be an exhibit as well, Mr. O'Leary?

24 MR. O'LEARY: Yes. I was just going to
25 ask them to describe it, Madam Chair.

1 MADAM CHAIR: Okay.

2 MR. O'LEARY: It is entitled the
3 OFAH/NOTO Moose Population Analysis Based on MNR
4 Population Data and Policies. It consists of six
5 pages. Perhaps we could mark that as the...

6 MADAM CHAIR: That will Exhibit 2150.

7 ---EXHIBIT NO. 2150: Document entitled The OFAH/NOTO
8 Moose Population Analysis Based
9 on MNR Population Data and
Policies.

10 MR. FREIDIN: Madam Chair?

11 MADAM CHAIR: Mr. Freidin.

12 MR. FREIDIN: I am just wondering whether
13 you have a ready list of the correspondence which
14 constitutes Exhibit 2147.

15 MADAM CHAIR: Let's give them an alphabet
16 letter, shall we.

17 MR. FREIDIN: I think we may be missing
18 one letter.

19 MADAM CHAIR: All right. Exhibit 2147A
20 will be the two page chronology of events list; Exhibit
21 2147B will be the June 25th, 1990, letter from Dr.
22 Quinney to Mr. Jane; Exhibit 2147C will be the letter
23 from Dr. MacLean to Dr. Quinney; and Exhibit 2147D will
24 be the March 21st, 1991, letter from Dr. Quinney to Dr.
25 MacLean.

1 MR. FREIDIN: All right. I don't know
2 whether the witnesses are going to be referring to
3 Exhibit 2147C, but if they are we don't have a copy.
4 It may be that they won't be referring to that in the
5 evidence at all.

6 I am getting a nod from Mr. Stewart that
7 they are not going to refer --

8 MADAM CHAIR: Do you have an extra copy
9 of that, Mr. O'Leary?

10 MR. O'LEARY: We will certainly provide
11 Mr. Freidin with a copy of that. If we wants he can
12 have a look at ours right now.

13 MADAM CHAIR: Before we get started --

14 MR. FREIDIN: We have one. Thank you.

15 MADAM CHAIR: Okay. Before we get
16 started, Dr. Quinney, can you tell the Board how this
17 evidence fits into your witness statement and give us
18 some background as to why you undertook this analysis
19 and what you are trying to tell the Board this means.

20 DR. QUINNEY: Yes. Clearly, the
21 Coalition is asking for quantified, measurable
22 objectives in timber management plans.

23 The MNR in their evidence, in their
24 previous evidence has stated that they should be judged
25 not by how they do things, but on their attainment of

1 objectives. So there are several reasons why we
2 believe presenting this analysis is important to you.

3 You will see that by MNR's own criteria
4 that judging them on attaining their objectives they
5 have failed with reference to the provincial moose
6 program.

7 It's also very important I think for the
8 Board to understand the lack of attention that MNR is
9 paying to the projection of moose habitat with
10 reference to the influence of that on population sizes
11 and population trends.

12 MR. MARTEL: Can you help me, Dr. Quinney
13 and tell me where -- I am just trying to find out in
14 your final witness statement where this fits in.
15 That's all.

16 MR. O'LEARY: Madam Chair, Mr. Martel,
17 there isn't specific reference to this analysis. That
18 I can agree with you.

19 As Dr. Quinney has indicated, it flows
20 out of the evidence that has been presented by the
21 Ministry of Natural Resources and we would have
22 preferred to have been in a position to respond to it
23 earlier when witnesses with the credentials of Mr.
24 Stewart and Dr. Quinney were here, and one of the first
25 questions I asked when I understood that this analysis

1 was being undertaken is: Why isn't it included in the
2 witness statement. That is one of the reasons you have
3 been provided with that chronology and evidence now
4 that as of February 28th we still hadn't received the
5 critical components.

6 The other connection is, we do have --
7 Mr. Bob Stewart is here who has extensive experience
8 and knowledge in the area of moose generally and is a
9 certified wildlife biologist and also Dr. Quinney. We
10 have two of the most qualified experts on the subject
11 and they are the appropriate ones to speak to the
12 analysis, but admittedly if we would have been able to
13 obtain the information earlier it would have been
14 included in the witness statement and I apologize for
15 the fact that it is not.

16 MADAM CHAIR: Mr. O'Leary?

17 MR. O'LEARY: Q. Mr. Stewart, perhaps
18 you can proceed with your analysis.

19 MR. STEWART: A. If you would turn to
20 the last page of the exhibit Moose Population Analysis.
21 What is the number of this exhibit, please?

22 MR. O'LEARY: It is Exhibit 2150.

23 MR. STEWART: I think it is page 6 of
24 6 -- no. Page 3 of 6, I'm sorry.

25 MADAM CHAIR: Is this the bar chart?

1 MR. STEWART: Page 3 of 6 is the extent
2 to which moose targets can be achieved. The tabular --

3 MADAM CHAIR: That's my second page

4 MR. STEWART: Okay.

5 MR. FREIDIN: Are we numbering these
6 pages?

7 MADAM CHAIR: The title page is one.

8 MR. O'LEARY: Perhaps we should. The
9 second page is entitled Extent to Which Moose Targets
10 Can Be Achieved, page 2; page 3 is entitled Moose
11 Population in the year 2000; the third page is entitled
12 WMU --

13 MADAM CHAIR: That is the fourth page,
14 Mr. O'Leary.

15 MR. O'LEARY: I apologize, the fourth
16 page. The fifth page would be WMU 19, Geraldton; and
17 the sixth page is WMU 33, Wawa, White River.

18 MR. STEWART: I would just like to
19 explain what I understand the source of the numbers to
20 be.

21 There is a population target given in the
22 third column in that says 2000 population target and I
23 believe these to be targets for wildlife management
24 zones or units as set by MNR. The targets were
25 established - Dr. Quinney, you may correct me - in

1 1980.

2 DR. QUINNEY: Yes, that's my
3 understanding.

4 MR. STEWART: For each those wildlife
5 management units and there was an estimate of the
6 population at that time. We have presented here the
7 1990 population in the second column beside this.

8 The intent here is to have an overview of
9 how well MNR is doing on a management unit basis at
10 achieving a target which is now some eight years away.

11 MADAM CHAIR: Excuse me, Mr. Stewart.
12 Are these all the wildlife management units in the area
13 of the undertaking or the entire province?

14 DR. QUINNEY: The area of the
15 undertaking, Madam Chair.

16 MR. STEWART: The next column is the per
17 cent increase required to meet the target by wildlife
18 management unit. If we look at wildlife management
19 unit No. 2, the population would have to increase a
20 further 52 per cent in the period up to the year 2000
21 to achieve the target.

22 Now, the Ministry has provided estimates
23 of different selective harvest strategies that they are
24 estimating will contribute to differential rates of
25 population growth -- I'm sorry.

1 Would you mind commenting on that,
2 please, Dr. Quinney.

3 DR. QUINNEY: The right-hand section of
4 that page with the data; in other words, population
5 achievable under various harvest scenarios, yes, MNR
6 did provide us with some ratio and we did some
7 additional calculations. Right.

8 MR. STEWART: If you would turn to page
9 3, please, a graph entitled Moose Population in 2000,
10 Can the Policy be Achieved, we can see that the target
11 established at 160,000 opposing the projections that
12 have been made for achieving that target under a
13 different harvest management opportunity.

14 I don't wish to dwell on the biology
15 involved in selective harvest here. I don't think it
16 is necessarily appropriate to the analysis that we are
17 doing.

18 I am trying to bring your attention to
19 the fact that it appears based on this analysis that
20 the Ministry will have some difficulty and quite likely
21 will not achieve those objectives.

22 I don't have much problem concurring with
23 that conclusion given the significant --

24 MR. MARTEL: What were the harvest
25 scenarios considered. I am having some problem with

1 looking at ratios four to one, three to one, two to one
2 and one to one. What does that mean?

3 MR. STEWART: These are the tag
4 allocation on bull to cows.

5 MR. MARTEL: Yes.

6 MR. STEWART: So the understanding or the
7 theory is that if we reduce the number of cows in the
8 harvest and harvest more bulls that will leave more
9 animals to contribute to the productive increase in the
10 population because the cows will be spared to a degree.

11 MR. MARTEL: Depending on...? That's
12 what I can't get my mind around.

13 MR. STEWART: If the Ministry has
14 established a higher ratio of tags for bulls to cows
15 and this is how the selective program, I believe, is
16 allocated in this province, that the intent here is to
17 reduce the kill of cows.

18 MR. MARTEL: Right.

19 MR. STEWART: If there are more cows in
20 the population the belief is that the rate of
21 population increase could be higher.

22 It is a strategy that I do not contest.
23 I believe that you can achieve higher rates of
24 reproduction in population increase if you have a
25 higher ratio of cows, particularly older aged cows, in

1 the population that are contributing to higher
2 fecundity rates, et cetera. So that is a reasonable
3 approach.

4 People ask: Why don't you go even higher
5 yet, but you do get to a point where you run fairly
6 high risk of removing too many bulls from the
7 population and having an effect on fertilization
8 rates.

9 On page 4 we have a more detailed
10 analysis of the Red Lake unit and I would refer you to
11 the top two graphics; the one on the left entitled
12 Population Versus Population Target, and the one to the
13 right, Model Population Versus Target.

14 The graphic to the right is a
15 continuation of the actual data which is presented in
16 the left based on model numbers. We are simply
17 estimating rates of growth for moose populations over
18 the period 1990 to 2000 based on predetermined rates of
19 growth of 4 and 8 per cent and evaluating that against
20 the target.

21 The slope of the line representing the
22 target, which goes from 1980 to the year 2000, was
23 constructed by simply drawing a straight line between
24 the 1980 population and the targetted population for
25 the year 2000.

1 Therefore, if we take a look at it for
2 the Red Lake area which is wildlife management unit 3,
3 there was an estimate in 1980 of an actual population
4 of somewhere over a thousand animals or thereabouts.
5 The projection, as listed on page 2, was 4,575 moose by
6 the year 2000. That was the Ministry's objective with
7 respect to the Red Lake wildlife management unit moose
8 population.

9 MR. O'LEARY: Q. Mr. Stewart, just
10 looking at page 4 of WMU 3 in the top right-hand box
11 there is reference to the 8 per cent growth.

12 Can I ask you what your opinion is with
13 respect to the reasonableness of an 8 per cent growth
14 rate.

15 MR. STEWART: A. Eight per cent is a
16 relatively high growth rate to be expecting in a
17 natural population. It can be attained under
18 circumstance, but not one that has been the rule on
19 managed populations.

20 Q. Thank you. Can you continue with
21 your discussion, please.

22 A. The centre two bar charts provide
23 information on the taga allocations that the Ministry
24 was allotting. It is separated into the number of
25 bulls and number of cows. On the right is the

1 number -- total number of hunters.

2 There are differences between the number
3 of bulls and cow tags and the number of hunters, as I
4 understand the Ontario management system, because there
5 is also an allowance to hunt calves in Ontario. I have
6 to draw on some memory cells that aren't serving me
7 well right now, but I don't know if that's allocated by
8 tag or is open. I think it's a much more liberal
9 approach to --

10 MR. DICKSON: It's open.

11 MR. STEWART: Mr. Dickson says it's open.
12 This is a management approach that I quite favour
13 because I was responsible for establishing selective
14 harvesting of moose in Canada for the first time in
15 1977 in Saskatchewan and we have maintained that
16 program there. So I'm not questioning the wisdom of
17 selective harvest.

18 The bottom graph is in relationship of
19 the harvest versus the harvest target and I believe
20 that is based on a 15 per cent harvest target.

21 DR. QUINNEY: That's right.

22 MR. STEWART: Is that correct? When we
23 go back up to the top right line chart of model
24 population versus target it appears, to my best
25 judgment, that the Ministry will not achieve their

1 target of 4,500 moose for the Red Lake area short of a
2 dramatic shift in management approach. That shift
3 would be one that would probably be or could be
4 untenable to the population of people of Ontario that
5 utilize moose for aesthetics or hunting purposes.

6 I'm just trying to decide whether it is
7 going to enlighten the Board at all to refer back to
8 one my exhibits on temporal populations.

9 Have you got a number for that? I
10 entered an exhibit known as temporal -- or called
11 Temporal Patterns in Saskatchewan Moose Populations
12 which is a paper that I co-authored in 1988.

13 MR. O'LEARY: That's Exhibit 2132, Madam
14 Chair. It is the one entitled Temporal Patterns in
15 Saskatchewan Moose Populations 1955 through 1988.

16 That's it, Mr. Martel.

17 MR. STEWART: I would ask you to turn to
18 page 155. I was struck in my initial analysis of the
19 Red Lake data on the number of hunters and the
20 simplicity that appeared to be in that graphic; that
21 is, in the right middle showing peaks of hunters in the
22 '80, '81 and '82 period and, again, in the latter part
23 of the 1980s to '87 - I used to have pretty good eyes,
24 but I am having trouble separating out some of these
25 years below here - up to to 1988, I believe, and was

1 sort of looking at potential types of causative factors
2 that can contribute to our failure to achieve some of
3 our objectives.

4 The other interesting portion of this is
5 in on our Hudson Bay population and the population that
6 is central, in particular our two areas where forest
7 harvesting has been a major influence on the structure
8 of the forest and the Cumberland area that has not had a
9 significant amount of forest harvesting activity and
10 the responses that population -- the different
11 responses that populations have had in each those
12 areas.

13 On one side we have a relatively
14 significant trend line increase in moose populations in
15 Hudson Bay which is, as I suggested earlier, one of the
16 better areas in the province and in the central portion
17 of the province where the quality of the habitat is
18 less suitable a similar level of forest harvesting,
19 there is a decline in population.

20 Now, there are other factors, but there
21 have been these cycles that have occurred in numbers
22 over the period of years.

23 One of our conclusions was that there was
24 a relationship between the number of hunters that were
25 allowed into the system and the subsequent moose

1 populations. What I am suggesting is that moose
2 populations grow there is a tendency to liberalize
3 hunting allocation and as populations decline you
4 restrict and you can, in fact, start affecting the
5 nature of moose populations by hunting alone, but we
6 also drew attention to the fact that one of the factors
7 that had to be looked at was that of habitat.

8 On page 157, I believe, I state that:

9 "Moose populations in Saskatchewan are
10 affected by a host of variables which may
11 singly or in concert contribute to the
12 reported oscillations. Black bear and
13 wolf predation, hunting pressure,
14 tick infestations and habitat change,
15 logging and fire are but a few of the
16 agents which can effect changes in
17 population productivity and mortality."

18 I go on to state problems in combination
19 with snowshoe hares.

20 The important thing to attend to, I
21 believe, here, since I have produced this paper, is a
22 far greater appreciation that we have to address the
23 habitat issue, that in all the years I was a moose
24 biologist producing similar types of documents as Dr.
25 Euler has for the Province of Ontario had projected

1 population responses in the absence of any clear
2 appreciation for what the habitat of those populations
3 were.

4 There are clear differences in Hudson Bay
5 and the central part of Saskatchewan with respect to
6 the suitability of habitat. Forest harvesting has
7 impacted on forest structures in both areas, access has
8 impacted, I believe, particularly in the central area
9 and we have quite different population responses.

10 Similar types or factors are undoubtedly
11 occurring in other parts of the country and I can't
12 make serious comment about what's happening in Red Lake
13 and what's happening in the following two pages, on 5
14 and 6, in Geraldton and White River, but it may have
15 not been reasonable to have suggested these targets to
16 start with. It may be that the Ministry have brought a
17 top/down process of setting a provincial target of
18 160,000 moose, applied --

19 MADAM CHAIR: Do you mean 140,000, Mr.
20 Stewart?

21 DR. QUINNEY: I believe it is 165,000,
22 Madam Chair, as the target for the year 2000.

23 MR. MARTEL: I think it is 160.

24 MR. STEWART: The failing that I believe
25 occurs in the systems of wildlife management, and

1 believe me I still go to moose conferences, I still
2 participate in that level of interest, is that it has
3 taken us a long time to mature as biologists to begin
4 to recognize the importance of habitat and that we
5 can't establish objectives from a central position of
6 management without fully appreciating what the capacity
7 of the land base is to support those targets.

8 The finer the level of detail that we go
9 down to on the land base to aggregate up from the more
10 accurate I believe we can make predictions.

11 We have a lot to learn about the
12 relationships of forest structure, forest structure
13 change and moose populations.

14 I share with most foresters in Canada and
15 most biologists that work in the boreal forest that
16 forest harvesting has contributed to an improvement in
17 the quantity of forage available to moose and that
18 moose populations across Canada may have benefitted to
19 some degree to date by the activity that has taken
20 place.

21 I do not predict necessarily that this
22 will continue on the landscape because I am uncertain
23 personally about the nature and extent of the habitat
24 changes that are being impacted by forest harvesting
25 and that at some point the forest structures are going

1 to change in their suitability for moose over time and
2 this happens as regeneration occurs, but we do have the
3 ability now to look at it and forecast.

4 Therefore, if we attempt to forecast the
5 populations and learn from manipulation of forest
6 structures and the subsequent population response of
7 animals we should with a lot more certainty be able to
8 provide relatively accurate forecasts such that we can
9 develop objectives that are realistic and attainable
10 and when we fail we will have a better understanding
11 probably of why we have failed.

12 This is not fair to biology today. We
13 failed as biologists largely over the last 20 years and
14 it is now time for us to participate much more fully in
15 that sort of decision making.

16 Dr. Quinney, do you have...

17 DR. QUINNEY: A. I would add that when
18 we see examples like have been shown for the Red Lake
19 unit and the Geraldton unit and Wawa, White River with,
20 for example, the decrease in tag allocations that are
21 occurring our members will accept tag allocation
22 declines to protect the safety of herds when the MNR
23 explains to them that MNR - in Dr. Euler's words - is
24 using both of his six guns; in other words, the
25 population control six gun and the habitat control six

1 gun.

2 What's unfortunate is that we don't see
3 projections of what the habitat -- what is being done
4 with reference to habitat for these moose herds.

5 MR. MARTEL: Dr. Quinney, but isn't part
6 of the problem confronting Ontario (a) that -- and
7 there has been a series of meetings going on in
8 northern Ontario which have have drawn fairly large
9 numbers of people to them, that's (a) problem, that the
10 people hunting are not quite as ready to surrender the
11 number of tags available at the present time as one
12 would think is the case and (b), the other problem is
13 dealing with the tourist industry which in fact you
14 could increase the population I think in Ontario quite
15 significantly if you said for two years you are not
16 going to hunt. You would probably wipe out every
17 tourist operator in the process.

18 You have got those two factors and I am
19 not sure what role they play, but I think they're, just
20 based on experience, if you new the number of letters
21 people received when there is a decline in moose tags
22 in an area it would blow your mind at how violently
23 opposed the hunters in northern Ontario are to the
24 reduction of moose tags and the same applies to the
25 tourist industry.

1 Could they afford to survive when they
2 require that extra hunt in the fall to augment what
3 they have been able to do in the summer, and is it just
4 habitat or are those other two factors really critical
5 as well?

6 I am not diminishing what Mr. Stewart has
7 said, but when one makes some of these statements, what
8 is the analysis on all three fronts and the conclusion
9 of that analysis?

10 DR. QUINNEY: There are multiple factors,
11 you are quite right, and my greatest concern at this
12 point is the undervaluing or underemphasis, it would
13 appear, in terms of the habitat side of the equation in
14 terms of forecasting what these activities are going to
15 produce in terms of the habitat.

16 You are quite right, there are many, many
17 factors and I'm sure Mr. Dickson's business - how shall
18 I say - is related to the health of moose population
19 herds.

20 MR. DICKSON: On the same token, if we
21 have a healthy herd we can't have a hunt. I think, you
22 know, from my personal feelings on that, if I see the
23 decline and I think in some instances we have noticed
24 some we can blame it on a lot of things and habitat is
25 one.

1 MR. MARTEL: Is one. Has the report by
2 Mr. Wood been prepared yet?

3 DR. QUINNEY: I believe at least a
4 version of Mr. Wood's report has been circulated and I
5 believe that there is -- how shall I say. Oh, yes, as
6 a result of that report I believe there is going to be
7 travelling around the province, I believe, OFAH in
8 conjunction with MNR are going to be presenting
9 seminars on the new group application system.

10 MR. O'LEARY: Q. Perhaps I could ask,
11 Dr. Quinney, or you, Mr. Stewart, to turn to the
12 Geraldton example and just briefly elaborate on your
13 findings there? It's page 5 of Exhibit 2150.

14 MR. STEWART: A. I did not refer
15 specifically to this situation, but I do believe that I
16 made some comment in relation to the types of
17 activities that take place.

18 This one here is probably even more
19 worthy. The reduction in tag allocations that are
20 affecting those very concerns that Mr. Dickson would
21 have and the total loss of the number of hunters do not
22 appear to be in any way contributing to a substantially
23 higher rate of increase in the populations. I have not
24 done a serious analysis of this, but when I look at it
25 that's what I see.

1 There is also the concern when we are
2 talking about access, harvest, tending, protection of
3 the forest and all activities, every one of the
4 activities associated with forest harvesting,
5 ultimately can have impacts on the moose populations
6 that are going to be there.

7 In relation to the comment I believe that
8 we can probably achieve higher moose population and
9 maintain the level of forest harvesting simply by
10 integrating the objectives for the two of them.

11 In any one area, if we want to divide a
12 forest into five age classes and the MAD or the annual
13 allowable cuts are up around the long run sustained
14 yields, we would be assuming that 20 per cent of that
15 forest when it is in a fully managed state, as
16 currently is happening, would be under 250 years of age
17 which would be producing what I would consider the best
18 quality forage available to moose.

19 If all of that occurs in one area or most
20 of it occurs in one area and you end up with this
21 sequential age class spread across the land base the
22 benefits to moose would be relatively small.

23 If you have the capacity to plan and
24 manage your access routes, the nature of the harvesting
25 strategy based on those objective to spread it across

1 the forest management unit according to planned
2 objectives the benefit can be extremely high.

3 So I don't feel I am personally qualified
4 to talk a lot more about this data because I haven't
5 had a chance to look at the forest management units, to
6 analyse it. I do know that the targets won't be
7 reached. Habitat could be a major factor there and
8 that's the main point.

9 Dr. Quinney?

10 DR. QUINNEY: Yes. I would reinforce,
11 for example, from the Geraldton example we see in the
12 graph in the top-left hand corner we see the actual
13 population size basically declining slowly from
14 basically the early 80s, perhaps leveling off now.
15 When I say now, '90, the last date given, and below
16 that the tag allocations being cut back very severely.

17 I would just emphasize the point that Mr.
18 Stewart just made which is, it would appear that
19 habitat can be very important here because here the
20 hunting pressure has been cut back severely, yet the
21 population has not responded in terms of increasing the
22 numbers.

23 MR. MARTEL: Can I ask a question. Maybe
24 missed something, but if one looks at Geraldton, your
25 bottom graph, it says harvest versus harvest tag -- or

1 harvest target, pardon me.

2 DR. QUINNEY: Yes. The actual number of
3 moose taken versus the target MNR wanted to take.

4 MR. MARTEL: In other words, they put out
5 so many tags and the target, what they contemplated
6 would be taken, was much higher although it was within
7 the number of tags that had been allocated.

8 DR. QUINNEY: Correct.

9 MR. MARTEL: How do you control that, Dr.
10 Quinney? How do you establish the tags that are going
11 to be put out for people to entertain in a manner which
12 would not deplete the numbers the way obviously is
13 happening based on the targets which have been
14 predicted because how can you make those predictions?

15 MR. STEWART: I think you need reasonable
16 objectives based on the capacity of the forest to
17 support that population.

18 MR. MARTEL: Okay, but that still means
19 that you have to reduce -- let's say the forest is
20 there as it is today and we say it can produce this -
21 I am not talking about any new prescription for the
22 moment or no targets, the targets are there, this place
23 has so many moose, we anticipate so many moose to be
24 taken - how do you guarantee that the take isn't
25 excessive?

1 Even if you provide habitat, moving on
2 from that, even if you were to provide habitat, if you
3 don't control the take or the kill or harvest per year
4 how many would you have to produce to meet the needs
5 demanded by the hunters themselves, by the native
6 community, by the tourist industry?

7 Just on habitat alone can we supply the
8 number of moose that people want to take from that land
9 base?

10 MR. STEWART: I believe so.

11 MR. MARTEL: We certainly have to produce
12 a lot higher number moose then, Mr. Stewart.

13 MR. STEWART: I believe so. The
14 objectives that have been established by the Ministry
15 of 0.26 per square kilometre are extremely
16 conservative, extremely conservative, particularly with
17 the presence of forest management in the province that
18 the scale is practiced.

19 MR. MARTEL: Help me then to understand
20 what type of forest is going to be required out there
21 to meet the harvest anticipated?

22 I'm not talking about forestry. Forget
23 forestry for the moment, what type of -- what has to be
24 going on out there to produce the number of moose per
25 hectare required in order to meet the desires of the

1 hunters of Ontario? How many moose will we have to
2 produce?

3 MR. STEWART: Do you have an any estimate
4 on the total demand for that resource?

5 DR. QUINNEY: There are approximately on
6 an annual basis something over a hundred thousand moose
7 hunters go out annually in this province.

8 MR. STEWART: What about unregulated
9 hunting and Treaty Indian hunting, there must be demand
10 as well there for the resource?

11 DR. QUINNEY: Yes, there is, but it is my
12 understanding that in terms of tracking that data I
13 don't believe MNR is in a position to track that data.

14 MR. STEWART: Ontario is not alone.

15 MR. MARTEL: You see, Mr. Stewart, I just
16 don't know how we arrive at a figure because there are
17 so many factors that enter into it.

18 You can increase the number of tags or
19 you can decrease the number of tags. That in itself,
20 if you reduced it to a low enough number, would produce
21 the population -- would increase the population, but
22 that means no one essentially would hardly be taking a
23 moose.

24 It is hard to get your head around that
25 without some analysis of careful, much more careful

1 than I guess what we have done to date, on what the
2 type of habitat is required to meet the targets you
3 want and then you have to decide what your targets are
4 for the take, the harvest target.

5 MR. STEWART: I think it is reasonable to
6 first evaluate what capacity the habitat is to support
7 moose as the starting point.

8 MR. MARTEL: But that in itself, Mr.
9 Stewart, how do you reach that?

10 You see, you could produce more or you
11 could produce enough habitat, but what does it mean you
12 are doing to everything else? Are you producing
13 habitat to the exclusion of everything else?

14 I just don't know. That's what I can't
15 figure out.

16 MR. STEWART: I believe that this is the
17 very basis of what we are trying to achieve. We want
18 to lay down the production possibilities for the
19 different objectives. How much moose habitat, what's
20 possible, what's reasonable.

21 MR. MARTEL: I guess the amount of
22 habitat that's possible if you went out to cut to
23 establish the type of habitat they need, that's endless
24 I suppose, but it might end the forest industry. I
25 mean...

1 DR. QUINNEY: Let's make that explicit.
2 Let's see what that looks like, let's look at a series
3 of these possibilities, as Mr. Stewart mentioned
4 yesterday.

5 Let's look at what the forest structure,
6 the landscape would not only look like if we tried to
7 maximize moose, but what would the other benefits as a
8 result of that be. What would wood supply be, what
9 would the remote tourism opportunities be.

10 Let's look at the possibilities when in
11 fact we try and maximize wood supply and minimize
12 delivered wood costs, how much will that result in
13 terms of the other benefits like moose, like remote
14 tourism.

15 That's a major reason why we are asking:
16 Let's see what's happening, lay that out for the
17 public, a series of possibilities, government will
18 choose policies, et cetera. Let's look and see what is
19 possible, let's look and see what those various
20 benefits and costs will be.

21 MR. MARTEL: How long will that take?

22 DR. QUINNEY: Well, it is my
23 understanding that in terms of wood supply those types
24 of scenarios are routine in timber management planning.

25 We are simply saying: Well, let's do the

1 same types of projections for those other benefits in
2 conjunction with the timber benefits.

3 MR. MARTEL: If it is that simple why
4 haven't we done it then?

5 MR. STEWART: I don't know. Mr. Elie,
6 that is the basis of what I don't know. Why have we
7 not done it.

8 MR. MARTEL: But you have been involved
9 with the ministry out in saskatchewan, have they done
10 it anymore -- it sounds so simple.

11 MR. STEWART: We are doing it and I will
12 quickly give a brief overview of how that is being
13 done.

14 MR. MARTEL: For the whole of the
15 province?

16 MR. STEWART: At this point in time we
17 are taking the whole forest inventory that exists for
18 Saskatchewan in a digital form. We are laying down the
19 forest soils landscape map data on Saskatchewan, the
20 whole province, and we are calculating with the FORMAN
21 model all of the habitat units that exist for a number
22 of species in this province. It is going to cost us
23 less than then \$10,000 and we will know where it
24 exists.

25 MR. MARTEL: Well, we are moving on FECs.

1 We are moving on -- you see, it sounds so simple and
2 the basic question that comes to mind then is: If it
3 is this simple where have we been for the last hundred
4 years?

5 MR. STEWART: I fully agree with that. I
6 concur with the statement. We have to have the
7 objectives there. The first step is to understand what
8 the supply of the habitat for wildlife, for remote
9 tourism or whatever is.

10 It may be crude, it may not have the
11 level of detail and scientific rigor that some people
12 demand, but I feel very confident we can lay this
13 information down on the land base and get an overview
14 and stand back and have a look at where we have been
15 for the last hundred years and try to take a feel for
16 where we should be going in the next hundred and how we
17 can get there.

18 DR. QUINNEY: May I add with reference to
19 where have we been for the last hundred years in this
20 province. With reference to timber management
21 planning, we have been in a situation for that length
22 of time where a single, a single quantified objective,
23 is in those plans; that is, those are wood supply
24 objectives.

25 What we're asking for is additional

1 quantitative objectives in those plans. That's the
2 major difference. That, again, is our term and
3 condition No. 5.

4 MADAM CHAIR: Shall we break for lunch
5 now, Mr. O'Leary?

6 MR. O'LEARY: Yes, Madam Chair. I do not
7 have much left. Just some remaining scoping questions.
8 I believe that will be about it.

9 MADAM CHAIR: All right. The parties
10 will be prepared to begin cross-examination?

11 MS. SEABORN: How long do you expect that
12 to take, Mr. O'Leary?

13 MR. O'LEARY: Less than half an hour I
14 think.

15 MADAM CHAIR: Whose cross-examining
16 first?

17 MR. BAERD: I am.

18 MADAM CHAIR: Mr. Baeder. Thank you. We
19 will be back at 1:30.

20 ---Luncheon recess at 12:05 p.m.

21 ---On resuming at 1:35 p.m.

22 MADAM CHAIR: Please be seated.

23 MR. O'LEARY: Everyone seems to have
24 deserted me, Madam Chair.

25 A couple of housekeeping matters.

1 Yesterday we indicated we would file a copy of NOTO's
2 overview of the outfitting industry in Ontario. I
3 propose to do that right now. I forget whether we
4 reserved a number for that.

5 MADAM CHAIR: Thank you. Yes, we did.
6 Overview of the outfitting industry in Ontario.

7 MR. O'LEARY: 2139.

8 MADAM CHAIR: 2139.

9 MR. O'LEARY: The next document for
10 circulation is the one referred to by Mr. Stewart. It
11 is the MNR Model District GIS Project. It is has an
12 evaluation report date of October '91 by the Ministry
13 of Natural Resources. It is a total of 155 pages.

14 MADAM CHAIR: That was 2146.

15 MR. O'LEARY: There are a couple further
16 filings. Perhaps we could finish the scoping and then
17 I will proceed with those. The copies are being
18 finalized just now.

19 Q. Dr. Quinney, turning to those several
20 scoping questions that remain outstanding, can I ask
21 you in respect of your evidence at page 13 of the
22 witness statement, question 16, where you refer to the
23 use of explicit forecasting tools, the Board would like
24 to know in addition to habitat supply analysis could
25 you give the Board a list the explicit forecasting

1 tools to which you refer?

2 DR. QUINNEY: A. The Coalition is not
3 requiring the Proponent to use specific tools.

4 What the Coalition is asking for is that
5 forecasts of impacts, for example, on habitat be made,
6 that we want to see the type of predictive tool like
7 HSA, an example, being used.

8 In other areas, for example, we would
9 also again like to see the use of predictive tools for
10 forecasting of watershed impacts. We believe that it's
11 up to the Proponent, MNR, to choose what particular --
12 the specific tool that they think is most appropriate
13 for the area of the undertaking.

14 Q. Thank you. Turning to the next
15 question which flows out of your evidence at page 15,
16 Dr. Quinney, the Board would like you to clarify what
17 the evidence is in respect of site degradation in the
18 area of the undertaking.

19 They asked on the basis of an assumption
20 that you are speaking about Dr. Carr's evidence and the
21 Board would like a statement from you to the effect of
22 what you believe Dr. Carr's evidence is saying assuming
23 that that is the only evidence that we are relying
24 upon?

25 A. Yes. Even though Dr. Carr is from

1 British Columbia, he made reference to, for example, in
2 Ontario that, for example, the current FEC
3 guidelines -- or, sorry, the current FEC manuals that
4 have been produced actually have a section or a table
5 that refers to, for example, compaction potential,
6 erosion potential.

7 So the Coalition then is requesting that
8 those types, for example, soil compaction and erosion,
9 certainly be examined in the context of timber
10 management as revealed, for example, in the FEC
11 manuals. It's already recognized that the potential is
12 there.

13 So what we're saying is we don't want to
14 see, you know, site productivity compromised and
15 clearly then things like compaction and erosion should
16 be taken into account here.

17 Q. Thank you. The Board would also like
18 to hear from you, Dr. Quinney, in respect of the
19 Coalition's evidence about cumulative watershed effects
20 analysis.

21 Can you tell us or could you capsule
22 for us what the Coalition's evidence is in this
23 respect?

24 A. Well, again, we are requesting that
25 the Proponent routinely forecast watershed impacts,

1 that they use predictive tools.

2 I would mention that there is at least
3 one exhibit already in evidence, I believe it goes
4 quite a ways back, Exhibit 808. The author was a
5 person by the name of Neville Ward, I believe, and he
6 too, if memory serves me, identified watershed level
7 impacts and the importance of forecasting that type of
8 impact.

9 MR. MARTEL: What predictive tool would
10 you use? You said use a predictive tool for it.

11 MR. MARTEL: I can give you one example
12 from another jurisdiction of a model. The acronym in
13 is W-R-E-N-S-S, WRENNS, but again what I would
14 emphasize to the Board is that we are not saying to MNR
15 that that's the tool you should use for the area of the
16 undertaking.

17 What we are saying to the Proponent is:
18 There are these types of tools available out there, you
19 choose which is best to forecast these impacts. You
20 choose the best tool for these predictive measures.

21 MR. O'LEARY: Q. Mr. Stewart, the Board
22 referred us to your evidence at page 24 in respect of
23 the full range of alternative forest structures
24 that you believe require analysing.

25 The Board would like to know, is there a

1 miniumum number that the Coalition is proposing with
2 respect to alternative forest structures or do you see
3 a certain number or a minimum or a maximum number?

4 MR. STEWART: A. There is a minimum.
5 The minimum is two. In any impact analysis the null
6 hypothesis is a hypothesis that I believe deserves or
7 requires consideration.

8 The null hypothesis would be that there
9 would be no timber management activities on the land
10 base, but I would also emphasize that it is my position
11 and one that the Coalition also has that the likelihood
12 of the acceptance of a null hypothesis is extremely low
13 because the business of timber management is so
14 important economically.

15 Nonetheless, it does give us the
16 opportunity to look at and forecast what the impacts
17 would be in the absence of forest management.

18 With respect to the rest of the ranges,
19 there is a limited number of structures -- a limitless
20 number of structures that could potentially be
21 forecast, but practically it would be a few. A
22 reasonable range.

23 Q. Thank you. On page 32, Mr. Stewart,
24 there is a discussion about priority sites and the
25 Board would like to understand clearly what priority

1 sites the Coalition is referring to.

2 They understand that it includes areas of
3 concern, but would like to know whether they include
4 other sites as well, and the Board is looking for the
5 definition of what the Coalition means by priority
6 sites.

7 I see that that in the terms and
8 conditions is found in Section 2.5 on page 5, Sections
9 19 and 20.

10 A. As I understand the priority site in
11 term and condition 22:

12 "A value shall be declared a priority
13 site where the value is potentially
14 affected by planned timber management
15 activities and an appropriate guideline
16 or design manual has not been prepared
17 and approved for which the proposed site
18 description deviates from accepted
19 practice due to site specific
20 conditions."

21 Q. All right. Can I ask, Dr. Quinney,
22 whether there is any real difference between the values
23 map referred to in term and condition 20 and what the
24 MNR refers to as an area of concern?

25 DR. QUINNEY: A. Sorry. Would you

1 repeat that for me, please?

2 Q. Could I rephrase that then. My
3 question is: Is there any substantial difference
4 between what the Coalition is looking for included on
5 its values map and the areas of concern which are the
6 Ministry of Natural Resources?

7 A. No, there's not.

8 MR. STEWART: A. I might add that there
9 was a response in the interrogatories, MNR 11(a) and
10 (b), OFIA 8 and FFT 20(a) and (b) and Ministry of
11 Environment 8(a) and (b) regarding priority sites.

12 Q. The next question then, Dr. Quinney,
13 is the Board would like to know in respect of the
14 planned planning process proposed by the Coalition
15 could you give an estimate of the amount of time that
16 is required to get to the end of the process, be it
17 plan approval or a bump-up?

18 DR. QUINNEY: A. In terms of the
19 planning process, our planning process wouldn't take a
20 length of time any different from what the Proponent is
21 using or suggesting.

22 I go a little farther, that the OFIA, the
23 forest industry, has produced some time lines on
24 planning and our planning process would certainly fit
25 within their time lines.

1 As the forest industry quite rightly
2 points out, planning is a continual and ongoing
3 exercise, but our planning process and terms and
4 conditions would not change those time lines.

5 Q. Thank you. The final question flows
6 out of your evidence at page 69, Dr. Quinney, in
7 respect to -- where you state:

8 "The third change relates to the tourism
9 guidelines. It is proposed that these
10 guidelines be modified to be compatible
11 with the adaptive management approach."

12 The Board indicates that no other
13 evidence has been presented that indicates to them how
14 the Coalition would like to see the tourism guidelines
15 modified.

16 I turn you to term and condition No. 183
17 and invite you to respond to the Board question about
18 how the Coalition would like to see the tourism
19 guidelines modified or altered or replaced?

20 A. Yes. For the Board's benefit I would
21 direct their attention to terms and conditions 183 to
22 190 and the associated rationale.

23 What the Coalition is requesting is that
24 in fact the tourism guidelines in fact be replaced by
25 what we are describing as a forest recreation design

1 manual and the elements of that design manual are fully
2 explained in the terms and conditions that I referred
3 to and the associated rationale.

4 MR. MARTEL: Whatever happened to the
5 second phase that the tourist industry thought it was
6 about to get?

7 I think Ms. Dube-Veilleux spoke to some
8 degree about that, about a second phrase which was
9 going to consider tourism values, not just
10 aesthetically.

11 MR. DICKSON: It is my understanding
12 that - I may be wrong on that - that those guidelines
13 will be continually revised and updated and it didn't
14 happen.

15 Some of the people on there were involved
16 quite some time ago and by the time they were -- and
17 I'm not sure where the next step is leading in terms of
18 MNR and MTR participation with it.

19 I can just say that they are, in my
20 opinion, to this date outdated and that's why we have
21 to look at this type of condition.

22 MR. O'LEARY: That appears to be it for
23 the scoping. They have arrived just in time.

24 MADAM CHAIR: I think there was one more
25 question the Board had and that was under Tab 4. It

1 was with respect to whether more resources,
2 particularly staff, would be needed to implement the
3 Coalition's planning process.

4 MR. O'LEARY: All right, that's correct.
5 I thought that had been touched upon in terms of the
6 discussion about the cost of it, but perhaps I could
7 find it.

8 Q. The question is, Dr. Quinney, or, Mr.
9 Stewart, at Tab 4 there is a discussion of how the
10 Coalition's proposed planning process would be
11 implemented and Dr. Quinney has completed an analysis
12 of the implementation analysis, and that's found under
13 Tab 4 of the witness statement.

14 The Board has noted from Dr. Quinney's
15 written evidence that there will be little, if any,
16 increase in cost to the Ministry of Natural Resources
17 to implement the Coalition's proposed planning process,
18 and I believe we have spoke to that this morning.

19 The Board would also like to explore this
20 conclusion with Dr. Quinney and especially the
21 conclusion he draws in activities such as plan
22 production and documentation.

23 I hope I have got the right -- somewhere
24 in the scoping you did ask the question. I thought
25 that was it.

1 MADAM CHAIR: Those were two examples and
2 we were particularly interested in Dr. Quinney's
3 conclusion that there wouldn't be a need for more
4 manpower as an implementation.

5 DR. QUINNEY: Yes. I would have hoped
6 from Mr. Stewart cost analysis earlier today that it
7 was demonstrated to the Board that effectively the
8 Coalition's planning process terms and conditions can
9 be implemented and carried out essentially with
10 existing resources.

11 MR. MARTEL: Could I ask a couple of
12 questions then because if one looks at your terms and
13 conditions and evidence that you produced for the past
14 8 or 9 weeks, one talks about economists in a number of
15 units, not them all, MNR doesn't have any; you
16 recommend walking the whole area in some of your
17 surveys. The documentation seems to be more extensive.

18 I am just trying to get a handle on it.
19 When the proposals are put forward, for example,
20 yesterday we discussed it would takes three months. I
21 asked you about the annual work schedule and if it
22 could be reduced and you said no.

23 I see more there than what MNR is asking
24 for and I just don't know how you do what you are
25 doing. Let's say you want an economist, let's say, for

1 a hundred units 10 economists. We don't have any now.
2 That for openers would be an increase and that's one
3 for every 10 units.

4 You walk a thing. I don't see where MNR
5 goes out and does the type of surveyance that you had
6 indicated yesterday without increasing the time that
7 people have to be out in the field and if people are
8 out in the field they are not in the office.

9 I mean, that's one of the cries, by the
10 way, of the foresters that they spend too much time
11 behind a desk, but if you take them from behind the
12 desk and put them out in the field there has got to be
13 somebody at the desk doing the work that he was doing.

14 The planning process seems to me to be a
15 little more complicated and complex than MNR's which
16 then leads me to believe if that's the case your costs
17 are going to be higher to produce the same -- to get to
18 the same end. Maybe I am misreading, but...

19 DR. QUINNEY: Let me try and take your --

20 MR. MARTEL: Let me tell you, you write
21 new guidelines, you are going to write a whole new set
22 of guidelines in a number of places. For tourism you
23 want new guidelines. We just went through it. All of
24 this stuff takes manpower and manpower cost money.

25 DR. QUINNEY: Yes, and we are calling for

1 then a redirection or a refocus then of some of the
2 existing - how shall I say - work that certain MNR
3 employees do.

4 With reference to the economists, what we
5 have requested in term and condition No. 40 is on the
6 planning team that somebody with a university -- I will
7 read from the term and condition.

8 MADAM CHAIR: We know that term and
9 condition, Dr. Quinney, about the experience and the
10 education.

11 MR. MARTEL: Three years, et cetera.

12 MR. O'LEARY: Q. Could I ask you, Dr.
13 Quinney, to turn to Tab 4. Perhaps that might be
14 helpful. Tab 4 of the witness statement.

15 Under the heading manpower I see there is
16 a number of zeros and there are some pluses and some
17 some minuses and at the bottom you say you say:

18 "A plus or minus denotes an increase in
19 the short term and a decrease in the long
20 term relative to the current situation."

21 Can you explain to us why that would
22 happen?

23 DR. QUINNEY: A. Well, initially to
24 implement our proposals, as shown in the short term,
25 there will be some increases, but in the long term

1 because of the efficiencies that will result from this
2 planning process as a result of, for example, avoiding
3 some of the conflicts that now occur, I believe that
4 the cost to MNR in the long term will not be increased.

5 MR. STEWART: A. If I might add a small
6 bit to that, Mr. Martel. I apologize for calling you
7 Mr. Elie this morning.

8 MR. MARTEL: I have been called worse.

9 MR. O'LEARY: Not on the record.

10 MR. MARTEL: Not officially anyway.

11 MR. CASSIDY: Like what?

12 MR. MARTEL: I've got a long list.

13 MR. STEWART: The cost estimates that I
14 have provided as part of this hearing were based on us
15 going out and hiring completely new staff and it was
16 indeed incremental in a sense.

17 MADAM CHAIR: Excuse me. Who hired new
18 staff, Mr. Stewart?

19 MR. STEWART: My company hired staff to
20 do what we are doing in Saskatchewan. We went from a
21 base of zero staff to a staff to deliver the product.

22 Now, I believe that many of the people
23 with the expertise and skills, combined with the
24 addition of the technology that we have been talking
25 about, much of which quite likely exists in some of the

1 districts at this time, with a redirection and focus
2 that all of those costs would not be incremental to
3 MNR.

4 In fact, I am a strong believer that we
5 can't afford these very expensive programs. We have to
6 direct ourselves in government towards delivery of
7 product that are essential.

8 I don't know specifically what is going
9 on in Ontario, but in Saskatchewan I think there is
10 considerable opportunity within the public service
11 there and some of the professional people to provide
12 them with some redirection and focus and contribution
13 to the people of that province in terms of their work
14 delivery.

15 There has been a serious problem of
16 morale that exists in much of the civil service in
17 Canada today and a lot of it has occurred because of
18 the difficult financial times that we have and
19 operating money has been removed from people. They
20 haven't had the opportunity to go out into the field
21 often because they don't have the dollars to do that.
22 That is a situation --

23 MS. SWENARCHUK: Madam Chair, might I
24 recall that the one fundamental rule of evidence that
25 applies to these proceedings is that the evidence

1 received by the Board be relevant.

2 The witness has said he is not aware of
3 what's going on in the government of Ontario. Might I
4 suggest, with all due respect for his knowledge in
5 Saskatchewan, that it is not really very helpful to
6 this hearing. In fact, at least we know that is one
7 issue that is not within the area of the undertaking
8 and is not on the table in this hearing.

9 MADAM CHAIR: Mr. Stewart, we are going
10 to -- I think it's time to move on.

11 I think the Board is unclear, though.
12 What you are doing in Saskatchewan is not -- by no
13 stretch of the imagination can the Board see what you
14 are doing in Saskatchewan as it is encompassing the
15 many different parts of the way the Ministry conducts
16 timber management in Ontario.

17 We know you are looking at a GIS system
18 in Saskatchewan, we know you are undertaking public
19 consultation processes. What the Coalition is
20 proposing goes far beyond that.

21 MR. STEWART: What we are proposing also
22 is a comparable technical commitment and delivery of
23 product through the analysis of alternatives and
24 forecasting. That process is similar to what the
25 Coalition is proposing here.

1 So I'm essentially saying that the
2 activities, the steps have a great deal of similarity
3 and the requirement of people's time is indeed similar
4 also.

5 I am suggesting that the Ministry has
6 tremendous resources at its disposal and phenomenal
7 staff. I know many professional people from Ontario
8 that I believe could embrace a concept like this
9 related to their profession without being an added cost
10 to the Ministry.

11 MADAM CHAIR: Okay. We have got your
12 evidence on that point.

13 Is that it, Mr. O'Leary?

14 MR. O'LEARY: I just have one
15 supplementary question. Perhaps I can ask Dr. Quinney.

16 Q. The evidence we heard today is that
17 the Ministry as a result of some changes in its terms
18 and conditions is now forecasting an increase of
19 \$31.5-million?

20 DR. QUINNEY: A. Yes, that's my
21 understanding.

22 Q. Do you know, what is the Coalition's
23 understanding in respect of whether or not that will
24 involve hiring additional people?

25 A. Yes, it will.

1 MADAM CHAIR: Excuse me. I believe the
2 last update we were given by the Ministry of Natural
3 Resources is that the \$30-million figure would only be
4 the added cost of implementing their own terms and
5 conditions, not the terms and conditions of any of the
6 other parties.

7 DR. QUINNEY: Correct. Again, that was
8 the purpose of the Coalition's having Mr. Stewart
9 perform a comparative analysis, if you like, to
10 demonstrate that the terms and conditions that the
11 Coalition are in fact proposing to implement would not,
12 in fact, cost the Ministry of Natural Resources anymore
13 money than they are planning to spend anyway on their
14 own terms and conditions.

15 MADAM CHAIR: Well, I am sure in
16 cross-examination we will be investigating some of the
17 information underlying those conclusions.

18 MR. O'LEARY: Madam Chair, the only other
19 two matters I have then, yesterday we filed as Exhibit
20 2138 a compilation of material including a number of
21 letters that Mr. Dickson had received or NOTO had
22 received and inadvertently one letter in respect of the
23 Yoke Lake and Pipestone Portage which relate to one of
24 the examples that he referred to was left out.

25 I thought perhaps we could file that and

1 distribute it to parties and just include it in Exhibit
2 2138.

3 MADAM CHAIR: Thank you, Mr. O'Leary. We
4 will do that.

5 MR. O'LEARY: For the record, Madam
6 Chair, that consists of a letter from the Happy Landing
7 Lodge. It has a date stamp on it July 10th, 1989 and
8 it is nine pages in total.

9 With your permission, could I simply ask
10 Mr. Dickson if he had any comments which he wished he
11 had made yesterday in respect of this letter?

12 MS. SEABORN: Excuse me, which exhibit is
13 this part of?

14 MR. O'LEARY: Forestry impacts. 2138.

15 MS. SEABORN: Thank you.

16 MR. DICKSON: This letter was part of the
17 overall package that I had missed and it's extremely
18 important I think to the Straw Lake issue in that the
19 people who own Happy Landing Lodge have been there
20 since 1965.

21 It suggests and it was handed to me this
22 morning, I just think it gives a good brief summary of
23 a lot of the things I was trying to say.

24 I just think it was important that the
25 Board saw the fact that they were there for a long

1 time, the fact that access to remote lakes took place
2 without them having the opportunity back then to have
3 much say in the matter, and it also shows the impact
4 and mentions the number of resorts that change hands
5 because of it.

6 I think it was just another example that
7 is quite indicative of many others that have happened
8 throughout the province historically speaking and also
9 the impacts they are having on the resource and the
10 industry now. Thank you.

11 MR. O'LEARY: Madam Chair, the final --

12 MADAM CHAIR: Just one question.

13 MR. O'LEARY: Sorry.

14 MADAM CHAIR: The owner or previous owner
15 of Happy Landing Lodge was Mr. Larry...?

16 MR. DICKSON: He is still the owner.

17 MADAM CHAIR: And his name is?

18 MR. DICKSON: Larry Stahn, S-t-a-h-n, I
19 believe.

20 MADAM CHAIR: Did we hear from Mr. Stahn
21 in Fort Frances?

22 MR. O'LEARY: He is the author of the
23 letter.

24 MR. DICKSON: Pardon me?

25 MADAM CHAIR: Did we hear from Mr. Stahn

1 in Fort Frances?

2 MR. DICKSON: Not to my knowledge, no.
3 He is part of this access plan review that I wish I had
4 some time ago.

5 MADAM CHAIR: Thank you.

6 MR. O'LEARY: The only other matter,
7 Madam Chair, is we have prepared some written responses
8 to various undertakings that had been given over the
9 course of the last few weeks. I propose to file them
10 all under one exhibit number.

11 Several relate to undertakings to produce
12 documents when they became available, including the New
13 Forestry Canada Survey, a document -- to provide a copy
14 pending final report, Site Degradation in B.C., and
15 that is not available.

16 Perhaps I could simply file these and
17 there are several that are outstanding and we will
18 complete them and file them under this exhibit number
19 when the information becomes available.

20 The big one that still remains
21 outstanding is in respect of our efforts to obtain
22 information about the number of tourist operators
23 within the area of the undertaking and we will continue
24 in that regard, and we state in our response that:

25 "If necessary, the Coalition will provide

1 a witness to speak to the response at a
2 time convenient to the Board."

3 So that undertaking, I would like to make
4 clear, remains outstanding.

5 I might just briefly describe them for
6 the record. The first is a lengthy response in respect
7 of an undertaking given by Ms. Suzanne Dube-Veilleux.
8 It was to provide information regarding the number of
9 tourist operators adversely affected by logging
10 practices and we have attached to that a list prepared
11 at NOTO.

12 Second, again, is an undertaking by Ms.
13 Suzanne Dube-Veilleux and that's the one I was just
14 referring to a moment ago about the numbers of tourist
15 operators within the area of the undertaking.

16 The third is another one by Ms. Suzanne
17 Dube-Veilleux in respect of a paper that has not been
18 updated as of this date.

19 The fourth is an undertaking by Dr.
20 Neuman in respect of Forestry Canada survey and it has
21 not yet been made available.

22 The next is the report by Dr. Carr in
23 respect of site degradation in B.C and that, again, is
24 not available.

25 The next one is by David Neave of

1 Wildlife Habitat Canada to provide a copy of final
2 version of the Second National Forest Sector Strategy.
3 That is not yet available.

4 The next is by Dr. Quinney and that is to
5 identify the nature of OFAH's involvement in the
6 initial ESSA workshop on effects monitoring and the
7 nature of our response and that is an outstanding one
8 that we are still persuing for the reasons set out in
9 that undertaking.

10 You will see that it was actually Dr.
11 Quinney's predecessor, Lance Males, that was involved
12 in that. We are attempting to conduct him in B.C. and
13 we are also attempting to go through our files to find
14 out what the exact correspondene was.

15 The next is another undertaking by Dr.
16 Terry Quinney to provide the date of Exhibit 2093 which
17 is the document entitled Boreal MixedWood Symposium and
18 that was 1981.

19 The next is an undertaking that was given
20 in one of the scoping sessions and we just indicate
21 that that was dealt with during the
22 examination-in-chief of this panel.

23 MS. SWENARCHUK: Mr. O'Leary, I don't
24 know whether I have got the same undertaking as you
25 have, but Mr. Quinney made an undertaking to Mr.

1 Lindgren at page 60436, Volume 346, and it is not
2 exactly as expressed here. Mr. Lindgren asked Dr.
3 Quinney:

4 "Can I ask you to provide an undertaking
5 to provide a written explanation as to
6 how Exhibit 2062 fits into the four
7 stage process described in the Illing
8 Report..." which is just more than just
9 the consultation process.

10 We have not received a response to that
11 undertaking. It was also asked that it be provided
12 before the testimony of Panel 9.

13 Do I take it that you consider that
14 yesterday's testimony answered that undertaking as
15 well?

16 MR. O'LEARY: That is our position. In
17 fact, you will note that we produced in evidence
18 yesterday a copy of the MNR's Figure 1 and we indicated
19 that the planning process of the Coalition's generally
20 follows the sequence as identified there in Figure 1 of
21 the MNR's most recent terms and conditions. We felt
22 that adequately addressed that request from Mr.
23 Lindgren.

24 MS. SWENARCHUK: I see.

25 - MR. FREIDIN: There is one other

1 outstanding matter. I spoke to Mr. Hanna about it.
2 Dr. Kubursi was going to give us that fold-out saying
3 what the size of the various districts were in the area
4 of the undertaking with the other details.

5 I will deal with that after lunch on the
6 last day of the cross-examination and Mr. Hanna said
7 that the information will be provided to the Board.

8 MADAM CHAIR: Thank you.

9 MR. O'LEARY: That's fine. I believe
10 there are two others and I just wanted for the sake of
11 the record to identify them.

12 I believe Dr. Thomas indicated he was
13 going to send up a collection of videos and that still
14 hasn't been received.

15 Also, Dr. Quinney was going to provide an
16 analysis of Table 1 of Exhibit 2089 and that we will
17 file within the next couple of days.

18 MR. FREIDIN: What's 2089?

19 MR. O'LEARY: That is that paper that was
20 distributed by the MNR. Mr. Lindgren asked him whether
21 or not in respect of Table 1, the fourth column, the
22 ideal world, whether or not -- I would have to the
23 transcript, but...

24 MR. FREIDIN: All right.

25 MADAM CHAIR: Well, I don't know what you

1 are talking about, Mr. O'Leary.

2 MR. O'LEARY: It is an undertaking that
3 was given and we will file the response shortly.

4 MADAM CHAIR: All right. Do you want an
5 exhibit number for this?

6 MR. O'LEARY: Please.

7 MADAM CHAIR: Do these require separate
8 exhibits or shall we put it all under one? Exhibit
9 2051 (sic).

10 ---EXHIBIT NO. 2151: A number of outstanding
11 undertakings given by
OFAH/NOTO.

12 MR. O'LEARY: If there are no other
13 questions, that is the evidence-in-chief, Madam Chair.

14 MADAM CHAIR: Thank you, Mr. O'Leary.

15 MADAM CHAIR: Mr. Baeder, are you
16 prepared to begin your cross-examination?

17 MR. BAERD: Yes, we are. Thank you.

18 CROSS-EXAMINATION BY MR. BAEDER:

19 Q. Perhaps I could begin this way. Dr.
20 Quinney, I direct my question to you and I will to the
21 other members of the panel.

22 Is it my understanding that you helped
23 draft and did in fact draft some, if not all, of the
24 terms and conditions of the Coalition?

25 DR. QUINNEY: A. Oh, yes. I assisted in

1 drafting the terms and conditions.

2 Q. Mr. Stewart, were you involved at all
3 in drafting these terms and conditions?

4 MR. STEWART: A. No.

5 Q. Dr. Dickson, yourself?

6 MR. DICKSON: A. No, sir.

7 Q. May I ask you this then, Dr. Quinney,
8 is it the Coalition's position before this Board that
9 the terms and conditions that are offered by the
10 Coalition must be accepted as a complete package or is
11 the Board free to pick and choose terms and conditions
12 as they see fit?

13 DR. QUINNEY: A. The Board is entitled
14 to do whatever they wish. We would certainly hope that
15 they will view the terms and conditions as a package.

16 Q. Now, are you, Dr. Quinney - and the
17 question is to the members of the panel - Dr. Quinney,
18 are you familiar with the terms and conditions that
19 have been agreed on in January 6th, 1992, with respect
20 to the Ministry of Natural Resources, my client and the
21 industry? Are you familiar with those terms and
22 conditions?

23 A. Sorry, your...

24 Q. My client is Windigo and NAN.

25 A. Yes.

1 Q. Are you familiar with those terms and
2 and conditions?

3 A. I don't believe so. I'm familiar
4 with January 6 MNR terms and conditions that have been
5 been filed.

6 Q. That's what I am referring to, the
7 January 6, 1992, MNR terms and conditions.

8 A. Yes.

9 Q. It's my understanding that those were
10 arrived at resulting from negotiations between MNR, my
11 clients and the industry?

12 A. Yes.

13 Q. And you were aware of the
14 negotiations? You were aware of the negotiations when
15 they were going on?

16 A. Yes.

17 Q. Do you have in fact a copy of the MNR
18 terms and conditions dated January the 6th, 1992?

19 I'm sorry, I don't know if I recall the
20 exhibit number.

21 MADAM CHAIR: 2032.

22 MR. BAERD: 2032.

23 MADAM CHAIR: Mr. Baeder, this is not to
24 be confused with the agreement reached at the time of
25 the Sioux Lookout hearings with NAN and the Ministry of

1 Natural Resources and the OFIA?

2 MR. BAERD: These are the ones that came
3 out of it.

4 MADAM CHAIR: Some of them, but then
5 there is all-party agreement on other terms and
6 conditions as well.

7 MR. BAEDER: The one I'm referring to is
8 in the draft terms submitted by the Ministry January
9 6th, 1992, which I believe...

10 MADAM CHAIR: Yes, your client's various
11 terms and conditions are in there, but there are other
12 agreed terms and conditions.

13 MR. BAERD: In here as well.

14 MADAM CHAIR: In that document.

15 MR. BAERD: I appreciate that. I
16 appreciate what you are saying, yes.

17 In terms of the document itself, I am
18 referring now to Exhibit 2032 out of which subsequent
19 terms and conditions were submitted by the Ministry of
20 Natural Resources.

21 Q. I'm sorry, Dr. Quinney, let me just
22 ask you again. You may have answered this. Are you
23 familiar with this document?

24 DR. QUINNEY: A. I have gone through
25 them.

1 Q. And are you familiar, if I can ask
2 you this as a general question, globally, and I will
3 take you to some specifically, are you familiar with
4 the fact that they address certain matters dealing
5 specifically with NAN and Windigo?

6 A. I have reviewed the terms and
7 conditions in there that, for example, make reference
8 to a native consultation program, yes.

9 Q. Quite correct. Those are the ones I
10 am referring to, the ones that refer to the native
11 consultation schedule which I believe is summarized on
12 Figure 1 which is in this document. A similar document
13 was produced yesterday. You will find it in the
14 exhibit I am referring to at the end of -- following
15 page 29.

16 So you have some familiarity with the
17 native consultation scheme that is set out in this
18 exhibit?

19 A. I have some familiarity with the
20 terms and conditions associated there, yes.

21 Q. Now, just directing your attention to
22 the Coalition's terms and conditions. I'm sorry, I
23 don't know the exhibit number of the Coalition's terms
24 and conditions.

25 MR. FREIDIN: 1637.

1 DR. QUINNEY: 1637, I believe.

2 MR. BAERD: Thank you. 1637.

3 Q. Can you direct me in this document to
4 where, in fact, there are terms and conditions which
5 address - let me use the term - first nations or native
6 issues?

7 DR. QUINNEY: A. Yes. Local citizens'
8 committee I believe --

9 Q. That's section or article 67, I
10 believe. Is that the one you are referring to?

11 A. As an example. Page 12.

12 MADAM CHAIR: Could you speak up please,
13 Dr. Quinney.

14 DR. QUINNEY: Yes, sorry. An example
15 would be term and condition No. 67 on page 12 of the
16 Coalition's terms and conditions where we are
17 requesting that a local citizens' committee be
18 comprised of local citizens that would include native
19 people.

20 MR. BAEDER: Q. Just looking at term and
21 condition 67, a native group would represent one out of
22 six interests, six specified interests (a) to (f)?

23 I'm sorry, did you catch my question?

24 DR. QUINNEY: A. Yes, I believe I did
25 catch it. What the term and condition states is that

1 there would be between five and nine local citizens
2 representing those major interest groups.

3 Q. Do I interpret that to mean that if
4 there is a minimum five, one voice or one interest
5 would be represented by the native and at the maximum
6 number nine still, one out of nine?

7 Is that the way I would read that?

8 MR. DICKSON: A. Excuse me. For my part
9 I don't necessarily read it that way, sir.

10 There are instances in northern
11 communities where the elected politician is the reeve
12 of the community -- or the reeve of the community as a
13 elected politician is a native. He could be included
14 in that. As an example, there are tourist operators
15 that live in the community who are natives and
16 contribute.

17 So for my part I don't see how there will
18 be one out of nine, for instance, just as there may not
19 be one out of nine tourist operators. You are very
20 well well aware that we play different roles in the
21 community with each other.

22 In the same token, in a community -- I
23 will use an example. I don't know if it is in your
24 area or not because I'm not familiar exactly who you
25 represent, but if a white tourist operator has a cabin

1 or a little operation around the Sandy Lake area he may
2 have to be involved with the native community on a one
3 to nine ratio. So that's intent here from my
4 perspective, our industry. We are trying to have full
5 community involvement.

6 DR. QUINNEY: A. Yes. The suggestion is
7 that the district manager will make these appointments
8 and what we are calling for in the rationale is that
9 the district manager ensure that a representative group
10 of citizens sits on that local citizens' committee.

11 Q. Perhaps you can help me because these
12 terms aren't defined. What did you mean when you
13 said -- when you used the term native group?

14 Who were you referring to? Were you
15 referring to -- I will leave it at that. It's not
16 defined. I haven't seen it defined and I see nothing
17 in the rationale and perhaps you can just assist me and
18 tell me who you are referring to when you talk about
19 native groups?

20 A. Representatives of the native peoples
21 in that area that would be influenced by that FMU.

22 Q. Do I understand what you are
23 suggesting here is that the make-up of this group could
24 include first nations or aboriginal people if they are
25 involved in local business?

1 A. Excuse me, that they could be on the
2 committee?

3 Q. Yes.

4 A. Oh, yes.

5 Q. When I went through the terms and
6 conditions following, it wasn't clear to me, you may
7 have said this yesterday, the local public advisory
8 committee, does it operate on the basis of majority
9 rule leaving aside the question -- leaving aside I
10 believe reference was made yesterday to the 60 per cent
11 vote which could influence whether or not agreement on
12 a plan? How is it --

13 A. Yes, I believe that is laid out in
14 our terms and conditions, but I can't put my finger on
15 it right now.

16 Q. It seems to address the issue of a
17 quorum in order for its, I suppose, meetings to be
18 "legally constituted."

19 I could not find here an answer to the
20 question I am imposing to you. Is it contemplated that
21 it operate by way of majority rule?

22 MR. MARTEL: 79 I think is what you are
23 looking for.

24 MR. BAERD: I beg your pardon?

25 MR. MARTEL: 79 might be the one, the

1 reference to the 60 per cent majority.

2 MR. O'LEARY: Yes.

3 DR. QUINNEY: Term and condition 76
4 states that:

5 "All decisions by the PAC shall be made
6 by a formal vote according to standard
7 rules and procedures."

8 MR. BAEDER: Q. Do I take that to mean
9 that the majority rule? It operates by way of a
10 majority?

11 Assuming it has a quoram it operates by
12 way of majority in terms of carrying out any of the
13 wishes of the committee?

14 DR. QUINNEY: A. With the exemption of
15 term and condition 79, yes.

16 Q. With that exception in mind, am I
17 correct then that with respect to all other business,
18 if I can use that term, business of the committee, it
19 is contemplated, assuming it legally has a quoram, it
20 is to operate on the basis of majority rule?

21 Is that what is meant by standard rules
22 and procedures?

23 A. Yes.

24 Q. So you have a quoram of 70 per cent,
25 you need the majority of those members to carry out --

1 majority of votes in favour in order to carry out the
2 business at hand?

3 A. Yes.

4 Q. Okay. Now, is there anywhere else --
5 I have gone through these terms and conditions. I am
6 not as familiar with them as you are.

7 Other than term and condition 67, is
8 there anything else in the terms and conditions, in
9 your terms and conditions which address specifically
10 matters of first nations aboriginal peoples?

11 A. No, I don't believe so in this draft
12 of the terms and conditions, but I would want to go
13 through it page by page. I can't think off the top of
14 my head, but there very well may be other examples.

15 MR. O'LEARY: Madam Chair, if I could
16 perhaps assist Mr. Baeder I think only out of fairness
17 to the witness because a list of issues was not filed
18 by Mr. Baeder in respect of this.

19 Perhaps I might indicate and direct Dr.
20 Quinney to term and condition 126.

21 MR. BAEDER: Let me just correct you. My
22 public school used to call me Baeder (pronounced
23 better). It is Baeder.

24 MR. O'LEARY: I apologize.

25 MS. SWENARCHUK: Madam Chair, for the

1 record in future I think in fact what happened here
2 with respect to Mr. O'Leary's intervention is something
3 that is rather key to all of us when we come to
4 cross-examining on this particular panel.

5 We are very interested in extent to which
6 the terms and conditions of the OFAH and the
7 understanding of those here testifying for them in fact
8 comply with other public agreements by the OFAH, and I
9 would be most appreciative if the obligation to answer
10 those questions would rest with the witnesses.

11 MR. O'LEARY: Madam Chair, I do not
12 propose to interrupt during cross-examination and given
13 the experience over the last eight weeks I would
14 appreciate that other parties would feel that that has
15 been the case, but if Ms. Swenarchuk is suggesting I
16 have done something improper by trying to indicate for
17 the benefit of the cross-examiner and the Board the
18 extent of the terms and conditions so that they can be
19 fully understood and appreciated, then I take exception
20 to that objection.

21 Madam Chair, I think it is only
22 appropriate under the circumstances because we are
23 putting forward a package that needs to be understood
24 in its entirety, that in fairness to the people of
25 Ontario to understand what that planning process is

1 that at times where it is important that a particular
2 term and condition be identified so that the question
3 can be fully answered and the response full and
4 complete that I be entitled to indicate at least that
5 term and condition and let the witness speak to it.

6 MADAM CHAIR: Thank you, Mr. O'Leary.

7 The Board understands the point Ms.
8 Swenarchuk wants to make and we also understand that
9 you don't jump to your feet and interfere.

10 On the other hand, Mr. Baeder could
11 probably get to the point of this particular piece of
12 cross-examination fairly quickly and we wouldn't expect
13 an individual witness to know the exact number of times
14 any specific wording or something such as that would
15 appear in a witness statement.

16 We are following your cross-examination,
17 Mr. Baeder--

18 MR. BAEDER: I appreciate that.

19 MADAM CHAIR: --and suggest we get to the
20 point.

21 MR. BAEDER: You made reference to 126.

22 Just for the purposes of the record to
23 correct the matter, I spoke with my friend Mr. Hanna
24 yesterday, last evening and gave them an indication of
25 what were the matter we were interested in. This I

1 don't think comes as a great deal of surprise.

2 Maybe the particular questions my friend
3 could not anticipate, but generally speaking where we
4 were going with my examination was told to my friend
5 even though not the specifics.

6 Q. You make reference to Section 126.

7 DR. QUINNEY: A. And the associated
8 rationale.

9 Q. That is with respect to the training
10 of socio-economic specialists?

11 A. Who sit on the planning team. If I
12 could read it. "As part --

13 Q. Well -- I'm sorry.

14 A. "As part of the required training for
15 the socio-economic specialist that would
16 be a member of the planning team he shall
17 within two years immediately proceeding
18 plan initiation complete a specialized
19 training course designed and conducted by
20 native people concerning traditional
21 forest management and concerning the
22 cultural and spiritual values of and the
23 environmental rights of the native people
24 in the plan area."

25 The rationale is:

1 "Specialized training of socio-economic
2 experts in native affairs is necessary to
3 appreciate the views and attitudes of
4 these members of the public."

5 Q. Now, leaving aside -- again, I'm not
6 trying to trick you in terms of uncovering something
7 else here. I just wanted to take you to one or two, if
8 any more, of the sections in your terms and conditions
9 which address these matter.

10 If there are other terms and conditions
11 that you can't draw my attention to right now, believe
12 me it won't be held against you.

13 Now, given what you have just told me
14 with respect to 67 and with 126, I want to take you to
15 the MNR terms and conditions and I want to review some
16 of them with you, If I may. I will try and be brief
17 with this.

18 It's my understanding that with respect
19 to the terms and conditions, other than those that are
20 in bold type, that the Coalition has signed off on
21 those; is that correct?

22 A. Yes.

23 Q. And by signing off on those I take it
24 you take no issue with them?

25 A. That's correct. We haven't objected

1 to a parallel native consultation process, no.

2 Q. And, in fact, throughout this
3 document you will see a parallel process here. There
4 isn't such a -- there wasn't and there isn't a parallel
5 process suggested in any of your terms and conditions,
6 is there, in 1637?

7 There is no parallel process for native
8 consultation, was there?

9 A. Not in the terms and conditions --
10 that version of the terms and conditions, you are quite
11 right, but you referred to Figure 1 and, as I said, the
12 Coalition has no objection to that what is laid out
13 there in terms of the native consultation process.

14 Q. So that if one were to go through
15 Exhibit 2032 where one sees the requirements to prepare
16 reports identifying native values, matters like that
17 are not addressed or were never addressed in your terms
18 and conditions?

19 A. Could you repeat that, please?

20 Q. Let me take you to one. Let me take
21 you to -- if one were to turn to term and condition
22 6(a) at page 2.

23 A. Sorry, term and condition...?

24 Q. At page 2, last paragraph, the formal
25 consultation opportunities provided at four stages

1 which provide an opportunity including an option for
2 native communities to choose additional consultation
3 and documentation opportunities and reference is made
4 to further conditions.

5 This idea, this idea of a separate or an
6 option for native communities to choose additional
7 consultation and documentation opportunities, that
8 wasn't put forth or isn't put forth in any of the
9 Coalition's terms and conditions; isn't that right?

10 A. You are correct, it's not in our
11 terms and conditions, but we are...

12 Q. I'm sorry, I heard the word adopted
13 them. Is that what your position is, you have adopted
14 these terms and conditions?

15 MR. O'LEARY: Whose terms and witness are
16 we adopting?

17 MR. BAEDER: The MNR terms and
18 conditions, Exhibit 2032.

19 DR. QUINNEY: As a result of those
20 negotiations, a series of negotiations all among all
21 the parties, as you pointed out, those terms and
22 conditions that are not in boldface represent all party
23 agreement. So what I'm saying is with reference to
24 your questions on native consultation we agree to those
25 terms and conditions.

1 MR. STEWART: A. I did present that
2 yesterday, Figure 1, reference that the Coalition's
3 position was not in opposition to this process being
4 advocated here.

5 Q. Would it be fair to say then that if
6 one reviews the Coalition's terms and conditions that
7 the Coalition's represents the interests of specific
8 concerns to anglers, hunters and tourist operators?

9 DR. QUINNEY: A. I disagree with that.
10 We have tried very hard to put together a package of
11 terms and conditions, a planning process that will
12 benefit everyone who lives in this process and would be
13 influenced by timber management activities.

14 Q. I understand that your views are that
15 what you are proposing is a benefit to all, but isn't
16 it more correct to say that you represent, however, and
17 your documents represent the interests of specific
18 concerns to the anglers, hunters and tourist operators?

19 A. Well, they are sponsored by those
20 organizations, but the terms and conditions themselves,
21 as I said, in the planning process is not self-serving
22 to anglers and hunters in this province. It is not
23 self-serving to tourist operators in this province.

24 They are designed to benefit everybody
25 who lives in this province compared with the present

1 system and compared with the planning process being
2 proposed by the Proponent. We are trying to make
3 things better for everybody.

4 Q. Wouldn't you agree with me that what
5 you are authorized - by you I mean the Coalition - is
6 authorized to speak on those members who make up the
7 Coalition?

8 A. Yes.

9 MR. STEWART: A. That may be true. I
10 work for several treaty Indian bands and tribal
11 councils - I am meeting Mecredi in Ottawa on Friday -
12 and I believe that the process that's being offered
13 here -- I would any day of the week go to an Indian
14 band or reserve and suggest that the ability for those
15 people to participate and have choices and understand
16 what's going to happen to the forest around them now
17 and into the future and to have input into the design
18 principles, to have a special consultation process
19 built in is far superior to the MNR.

20 MR. MARTEL: Could I ask a question,
21 though. I think what Mr. Baeder is trying to get at is
22 that when you were preparing your terms and conditions
23 you did not consult the native people, you primarily
24 consulted anglers, hunters and tourist operators?

25 DR. QUINNEY: May I, Mr. Martel.

1 MR. MARTEL: I mean, that's natural when
2 you represent those groups.

3 DR. QUINNEY: No, but we -- No. 1, OFAH
4 has native members. We are not a non-native
5 organization. With reference to various drafts of
6 these terms and conditions, they have been widely
7 circulated. There were native peoples, for example, at
8 satellite open houses that we talked to. We talked to
9 them about our terms and conditions.

10 We have - I can't speak too much about
11 the contents of the negotiations themselves, but the
12 fact that I believe that we have come up with these
13 comprehensive --

14 MR. MARTEL: That's not the question, Dr.
15 Quinney. I am not questioning what you are doing.

16 DR. QUINNEY: We did consult with native
17 peoples is what I'm saying.

18 MADAM CHAIR: I don't think that's -- Mr.
19 Baeder let's get to the root of your cross-examination.

20 MR. BAEDER: I mean, that was the next
21 question that I was going to put to you because, as I
22 said, we will let you answer it, but I would have
23 thought that it was self-evident as well.

24 Q. What I am trying to put to you is,
25 with respect to the terms and conditions prepared by

1 the Coalition is my understanding correct that you did
2 not sit down with NAN or Windigo and say: By the way,
3 what is that you would like us to put in our terms and
4 conditions and file with the Board? Is that a fair
5 statement?

6 MR. O'LEARY: Is that exclusive of the
7 negotiation stages that have occurred during the course
8 of last three and a half years?

9 MR. BAEDER: I am talking about the
10 preparation of these terms and conditions which I
11 assume were file some time ago. They were all filed
12 before the negotiations.

13 DR. QUINNEY: No. There were two -- the
14 Board directed two formal rounds of negotiations. The
15 most recent, the second round was completed before
16 Christmas of this year, but there was another formal
17 round a long time ago and we --

18 MR. MARTEL: Let's come back to the
19 question. The question is a simple one. Did you go
20 out to any of the native communities per se and
21 actually sit down with them and talk about what they
22 would like to see as terms and conditions because they
23 live in the forest probably more than anybody else.
24 Did you do it? That's all he's asking.

25 DR. QUINNEY: No, but --

1 MR. MARTEL: That's the end of the
2 question. I think that's the answer.

3 I am not saying that you didn't have
4 other people. I think what Mr. Baeder is driving at is
5 that you didn't consult any of his groups formally.

6 DR. QUINNEY: We were at the
7 negotiations. We worked very hard at those
8 negotiations with all the parties to these hearings on
9 two separate lengthy occasion.

10 So, yes, we were negotiating, No. 1; No.
11 2, as I said, for example at satellite hearings, no --
12 I mean, the Coalition is a non-profit charitable
13 organization and we would and would still be happy if
14 we were provided with some funding to go into
15 individual native communities and share these terms and
16 conditions with them, but we didn't have the resources
17 to do that.

18 We believe we did the next best thing; in
19 other words, with the resources we had we tried as much
20 as possible to get the widest input as possible.

21 MR. BAEDER: Q. I think somewhere in
22 there I have heard my answer. Let me just put this to
23 you.

24 At no time, and correct me if I am wrong,
25 were you authorized to speak on behalf of NAN or

1 Windigo with respect to their concerns?

2 DR. QUINNEY: A. That would be right.

3 Q. Now, am I correct then when I go
4 through the terms and conditions, the Coalition's terms
5 and conditions there is no reference, as I see it, to
6 any site specific issues; is that correct?

7 A. No, that's not correct.

8 Q. That's not correct?

9 A. That's not correct.

10 Q. So you deal with site specific issues
11 in the terms and conditions?

12 A. Yes.

13 Q. All right. Do you at all address
14 protection of graveyard sites, aboriginal graveyard
15 sites, let me be specific? Are those addressed?

16 A. I believe they are, Madam Chair,
17 through the values map exercise that the Proponent is
18 proposing and all the parties have agreed to.

19 There is in the MNR terms and conditions,
20 at least those that all the parties agreed to, a values
21 mapping exercise. I am just speaking off the top of my
22 head, but I believe it is appendix in the MNR terms and
23 conditions that list the types of values and, yes, they
24 do mention, for example, under (d) cultural heritage
25 sites.

1 MADAM CHAIR: We are all familiar with
2 the values map, Dr. Quinney.

3 MR. BAEDER: Q. Those values maps you
4 are referring to have come out of Exhibit 2032, do they
5 not; that is the MNR terms conditions and dated January
6 6, 1992?

7 DR. QUINNEY: A. Yes, I believe it is
8 Appendix 5. Appendix 5 and 6.

9 Q. To which you agree. But, again,
10 there is nothing in the terms and conditions of 1637
11 which address this, is there?

12 MR. O'LEARY: That's not -- Madam Chair,
13 with respect, there is an Appendix C which indicates in
14 that other terms and conditions of the MNR which we are
15 accepting. So that question is just not right.

16 MR. BAEDER: I don't know how much more
17 specific if I can be. If it addresses the issue, and
18 perhaps the witness can answer it and not you, it is
19 not being directed to you --

20 MR. O'LEARY: But the question is
21 incorrect.

22 MR. BAEDER: The question being asked is,
23 it is covered in the terms and conditions in Exhibit
24 1637. If it is, the witness will no doubt instruct me
25 that it is.

1 MADAM CHAIR: Mr. Baeder, the Board is
2 scratching its head up here wondering why any other
3 party at this hearing, why their positions that were
4 taken in written terms and conditions two years ago
5 would include the specific interests of any or all of
6 the other parties to the hearing.

7 Why would the Board expect to find in the
8 OFAH's terms and conditions, this set being November
9 1990 --

10 MR. BAEDER: I agree.

11 MADAM CHAIR: So what's the point of the
12 question?

13 MR. BAEDER: The point is that the
14 specific issues or issues that are specific to my
15 client, for example, in terms of protection of values
16 specific to them are addressed specifically and have
17 been addressed specifically by my client.

18 MADAM CHAIR: Yes.

19 mR. BAEDER: They are not addressed by
20 the Coalition.

21 MADAM CHAIR: Why should they be?

22 MR. BAEDER: I agree. I agree that the
23 point that I am trying to make is that - perhaps the
24 witness would agree - that the position is, say to the
25 first nations, best left in the hands of the first

1 nations to speak to it themselves and not to have the
2 Coalition speak on their behalf as they suggested.

3 MADAM CHAIR: When did the Coalition
4 suggest they are speaking on behalf of first nations?

5 MR. BAEDER: What I'm suggesting is that
6 they are suggesting that their benefits -- what we are
7 suggesting is that the parties, in particular the
8 parties that I represent, are in the best position to
9 put forth their own interests and to seek protection of
10 their own interests and they don't need the Coalition
11 in terms of the benefits, that their terms and
12 conditions are specific to the Coalition and the
13 Coalition's interest, as I was trying to establish, not
14 necessarily co-existent with the interests of my
15 client.

16 MADAM CHAIR: The Board has no problem
17 understanding that point.

18 So you are getting back to your first
19 question about whether your clients would be given an
20 effective participation in timber management planning
21 given the make-up of the local citizens' committee as
22 being suggested by the Coalition?

23 MR. BAEDER: Exactly.

24 Q. Let me ask you this, if I can. When
25 you talk about -- and I took it down that you are

1 attempting to quantify and measure objectives in timber
2 management plans. Can you tell me how you quantify and
3 measure obligations by the Crown and treaties? How do
4 you anticipate doing that?

5 DR. QUINNEY: A. Could you give me an
6 example.

7 Q. Are you aware that there are a number
8 of treaties that impact on the undertaking?

9 A. That impact on the area of the
10 undertaking?

11 Q. That's right.

12 A. Yes, I believe there are.

13 Q. Are you aware of any of the terms of
14 any of these treaties?

15 A. No.

16 Q. Can you help me then. Have you, in
17 fact, looked at the issue of treaties from the point of
18 view of how you in fact incorporate them in terms of
19 your system of quantifying and measuring objects in a
20 timber management plan?

21 A. I'm afraid I don't have very much
22 familiarity with I guess what treaties are, but it is
23 my understanding they are legal obligations, for
24 example, on the part of government and I don't believe
25 anything in our terms and conditions would compromise

1 any existing legal obligations that the provincial
2 government had with any first nation regarding
3 treaties.

4 MR. STEWART: A. Just the contrary. I
5 believe that the application in this process will
6 provide Indian people who are under going treaty
7 processes with a much clearer understanding of what is
8 being proposed and to recognize that changes in the
9 forest structures that affect so dearly some of the
10 values that I know Indian people cherish so much will
11 be far more guarded by the process that is being
12 proposed by the Coalition.

13 Indian people will -- if the consultation
14 process is managed correctly, and I am a very strong
15 advocate of the belief of consultation and consent of
16 Indian people, that is my personal position and view
17 and everything I do with respect to the clientele of
18 mine, many of who are Indians, is to uphold that strong
19 belief and the strong attendance to treaty.

20 I do believe that by going through a
21 process where we can clearly demonstrate and forecast
22 into the future gives Indian people a far greater
23 capability of understanding exactly what's going to be
24 happening. It is particularly powerful if the
25 consultation is done correctly and Indian people have

1 the level of input that is so deserving of their
2 population in those areas.

3 Q. That being the case then, how does a
4 concept or a concern -- if I took it down correctly
5 from what you said, Dr. Quinney, the first day, how
6 does a concern for cost effectiveness protect or
7 measure promises made by the Crown on the treaties?
8 How do you measure it?

9 DR. QUINNEY: A. Sorry, I don't
10 understand.

11 MR. O'LEARY: Madam Chair, this was the
12 subject of last week's evidence and I have allowed Mr.
13 Baeder without objection to this point simply because
14 he wasn't here last week, but we are getting into the
15 evidence of the economic experts now and it was a
16 question that had been asked before of Dr. Quinney and
17 at that point there was a deferral to the Panel 8.

18 MR. BAEDER: I am just referring to Dr.
19 Quinney's words on Monday, his opening statement in
20 terms of what was being offered by the Coalition were a
21 number of things, practicability, being pragmatic,
22 streamlining the process, fairness and cost
23 effectiveness. He made an opening statement. These
24 are the same of the principles that I took down from
25 him, the goal that I noted here, the goal of the

1 Coalition's planning process.

2 I just want him to tell me now, if that
3 was his opening statement to this panel, how do you
4 take a concept of cost effectiveness and measure
5 promises in the treaties?

6 Whether it was covered in Panel 8 or not
7 I think is irrelevant given the fact that this was his
8 opening statement.

9 MADAM CHAIR: I think that is a different
10 question than we had understood as well. We thought
11 you were asking Dr. Quinney how you would -- do you
12 understand the question better now, Dr. Quinney?

13 DR. QUINNEY: Sorry.

14 MADAM CHAIR: Are the values that Mr.
15 Baeder's clients have with respect to this process, and
16 he is saying specifically treaty obligations, is there
17 anything cost effective about that with respect to
18 timber management?

19 Are there some issues respecting timber
20 management to which you cannot put a dollar figure and
21 would something like a treaty obligation be in that
22 category?

23 DR. QUINNEY: Let me try and respond by
24 saying that if there are specific treaties in specific
25 areas in the undertaking that require special

1 considerations in timber management planning, I don't
2 see how that it is any way inconsistent with the
3 process that we are bringing forward.

4 MR. BAEDER: Q. Are you saying then such
5 matters as treaty obligations, they can't put a dollar
6 value to it? Is that what you are saying in order to
7 determine whether or not you can meet your goal...

8 DR. QUINNEY: A. I don't know. I don't
9 know the answer to your question.

10 MADAM CHAIR: Mr. Baeder, we are going to
11 need a break here in a minute or two.

12 MR. BAEDER: I am almost finished.

13 MADAM CHAIR: You are almost finished your
14 cross-examination?

15 MR. BAEDER: If you don't mind I will
16 just take the extra moment just to check my notes.

17 MR. MARTEL: Yes, sure.

18 MR. BAEDER: Those are all questions I
19 have. Thank you.

20 MADAM CHAIR: Thank you, Mr. Baeder.

21 We will be back in 20 minutes and we will
22 hear from Ms. Swenarchuk.

23 ---Recess at 3:05 p.m.

24 ---On resuming at 3:20 p.m.

25 MADAM CHAIR: Please be seated.

1 CROSS-EXAMINATION BY MS. SWENARCHUK:

2 Q. Dr. Quinney, my first question is for
3 you and it arises from the response to the
4 interrogatories which is Exhibit 2129 and it is FFT
5 interrogatory No. 11. It is on page 17. This is
6 another one where the answer was to follow, but we
7 haven't had an answer yet. The question reads:

8 "Will the results of the all party
9 negotiations on public consultation, the
10 sequence of timber management planning,
11 change the Coalition's conditions? If
12 so, please provide particulars of the
13 Coalition's revised position on these
14 subject matters."

15 So can you answer that question for us
16 now? Is it going to change your terms and conditions
17 or not?

18 DR. QUINNEY: A. Yes. As an example, we
19 are working on updating Appendix C to our existing
20 terms and conditions.

21 Q. And that one is concerning what
22 subject?

23 A. It's concerning all of the MNR terms
24 and conditions that are acceptable to the Coalition.

25 Being in the middle of presenting

1 evidence we haven't had a chance as yet to do that. We
2 are working on that and we will be filing revised terms
3 and conditions.

4 Q. Do you expect changes in the body of
5 the document or are you planning changes - let put it
6 that way - in the body of the document?

7 A. Of substance, not that I can think of
8 off the top of my head.

9 Q. All right. Now, I want to refer to
10 the Illing Report which is Exhibit 2031 and which then
11 found its way into -- certain elements of it found
12 their way into the Ministry's new terms and conditions,
13 but just working from Exhibit 2031 to which you are a
14 signatory, the Coalition is a signatory, this document
15 has a number of tabs, first of all letter tabs and then
16 number tabs and if we go to tab No. 2 it brings us to
17 Appendix 1 in which the components of the local
18 citizens' committee are specified.

19 I want to compare that description to the
20 components of the local public advisory committee
21 suggested by your Coalition in your term and condition
22 67 on page 12 of yours.

23 A. Just so we are working off the same
24 thing, we are not working off the MNR January 6 terms
25 and conditions, 2032. We are working off the Illing

1 Report itself?

2 Q. That's right.

3 MADAM CHAIR: Which term and condition in
4 the OFAH's material?

5 MS. SWENARCHUK: 67, page 12.

6 MADAM CHAIR: Thank you.

7 MS. SWENARCHUK: Q. Now, to make it
8 easier for you, Dr. Quinney, the Illing Report,
9 Appendix 1, which I referred to is also Appendix 1 in
10 the Ministry's new terms and conditions and I believe
11 they are, for my purposes at least, the first paragraph
12 of them is identical.

13 DR. QUINNEY: A. Appendix 1?

14 Q. Of the Ministry's terms and
15 conditions, yes. Do you have your term and condition
16 67, OFAH 67?

17 So these terms and conditions describe
18 the membership of the local advisory committee, however
19 we choose to call it, and in the Illing Report
20 reproduced in Appendix 1 to the Ministry's terms and
21 conditions, in paragraph 1 we see description of the
22 composition of that committee and it lists
23 subparagraphs (a) to (k) numerous types of interests
24 that will be represented on the committee?

25 A. Yes.

1 Q. With a broad generalized paragraph
2 (k) of the general public?

3 A. Yes.

4 Q. In brief, that list, of course, is
5 longer than the list of interests specified by OFAH in
6 the OFAH terms and conditions.

7 If only one representative of each of
8 those paragraphs were included on a local citizens'
9 committee we would have in some instances more than the
10 five to nine citizens proposed by OFAH.

11 So this is one example that leads me to
12 ask whether -- basically which way are you coming down
13 here. Are you in fact accepting the decision of the
14 groups involved in the negotiations in which you were
15 one reflected in the Illing Report, or does OFAH's term
16 and condition stand in which case, in fact, you are not
17 signing off to that paragraph of the other document?
18 Which is it?

19 A. Yes, we accept Appendix 1. What I
20 would like to draw your attention to with reference to
21 our term and condition No. 67 is we said:

22 "Five to nine local citizens representing
23 major interest groups including..."

24 In no way were we suggesting that would
25 be the total list. In terms of the number of citizens,

1 five to nine, and (a) to (k) adds up to...

2 Q. 11.

3 A. 11. As I said, we are in the process
4 of revising the terms and conditions anyway. We are
5 not holding fast to five to nine.

6 Q. Okay. So then we should assume,
7 should we, that we will see from the OFAH a rewrite of
8 terms and conditions in which this and any other
9 conflict which may exist between the Iling agreed
10 paragraphs and the OFAH proposals will be resolved; is
11 that correct? That's what we asked you in the
12 interrogatory originally.

13 A. We will be doing that.

14 Q. When can we expect to see that?

15 MR. O'LEARY: How long will your
16 cross-examination be?

17 MS. SWENARCHUK: Well, we asked it in the
18 interrogatory precisely to try to resolve these
19 conflicts. See, the question that arises is whether
20 there is really an agreement as reflected in this
21 document or not.

22 DR. QUINNEY: There is.

23 MR. O'LEARY: I think that's ...

24 DR. QUINNEY: There is. We will try and
25 do our best to get it done as soon as possible.

1 MS. SWENARCHUK: Q. But we should assume
2 in fact that the Coalition has signed on to what it
3 said it signed on to throughout this agreement?

4 DR. QUINNEY: A. Yes.

5 Q. Now, I want to turn, if you would,
6 please, Dr. Quinney, to Tab 4 of your Panel 9 witness
7 statement, Exhibit 2128.

8 I will like to ask what, if any,
9 quantitative analysis you used, explicit quantitative
10 analysis to come up with your predictions of increases
11 and decreased in these categories?

12 A. Would you repeat the question for me,
13 please?

14 Q. What quantitative analysis did you
15 use to come up with your projections about increases
16 and decreases in all of these factors?

17 A. Yes. What I did was compare what our
18 terms and conditions would require compared with those
19 terms and conditions being proposed by the Ministry of
20 Natural Resources.

21 Q. All right.

22 A. In addition, based on Mr. Stewart's
23 expertise with these types of processes, Mr. Stewart
24 provided also a cost, a comparison of our terms and
25 conditions, our planning process compared with that

1 being proposed by the Proponent.

2 Q. Okay. Did you work with any overall
3 listing of what personnel MNR now has and what their
4 qualification are and what type of duties they are
5 capable of performing?

6 A. Did I have, for example, a printout
7 of all the MNR employees, no.

8 Q. How many employees work for the MNR,
9 do you know that?

10 A. Thousands, but no, I don't.

11 Q. And do you agree with me that you
12 don't have any idea what numbers of personnel the MNR
13 has with any particular areas of expertise that might
14 be required in your planning proposals?

15 A. Well, as I said, what we did jointly
16 was a comparative exercise, with what the Proponent is
17 requesting and ours compared to that.

18 Q. Okay. I just suggest to you that if
19 you are suggesting new areas of expertise to be applied
20 in planning and you don't know what qualifications
21 current employees already have you are not have in a
22 very good position to assess whether, for example, more
23 manpower is going to be required?

24 MR. STEWART: A. If I --

25 Q. Can I hear from Dr. Quinney on this

1 first, please.

2 DR. QUINNEY: A. Well, I think it is
3 possible based on present positions of MNR employees
4 doing certain jobs to make those predictions, if you
5 like, or projections.

6 Q. But you don't know how many employees
7 there are and you don't know what their qualification
8 are, and furthermore, I would suggest, you are in
9 absolutely no position whatever to suggest that
10 resources now being used in any particular way can be
11 redeployed without any additional cost or additional
12 personnel required?

13 A. I think that the analysis I did in my
14 witness statement addresses that.

15 Q. I am looking at Tab 4.

16 A. Yes, and Tab 4 is explained in the
17 witness statement.

18 Q. Well, can you answer my question
19 then. How is it that without knowing the numbers of
20 personnel and the types of qualifications that are
21 available in the Ministry you can conclude, No. 1, in
22 the very, in my view, subjective way that you have
23 manpower, hardware, software? Let's deal with just
24 manpower, hardware and software requirements.

25 Secondly, that within the Ministry

1 somehow there are resources that can redeployed?

2 A. Well...

3 Q. The reason I have difficulty with
4 these conclusions is that human resource use,
5 development and training and deployment is a profession
6 within itself in which many people are employed making
7 presumably professional judgments and most of us would
8 want some advice from people who know very clearly a
9 lot about the staff before any of us would reach these
10 kinds of conclusions.

11 A. If we take a specific example like
12 the planning team or advisory committees, obviously
13 there is a planning team in place right now in the
14 province and what I have said in my witness statement
15 is, if our terms and conditions are adopted then, yes,
16 there will be an increase in manpower requirements in
17 the short term to get this thing implemented, but in
18 the long term that is not going to happen to have
19 adverse impacts on MNR.

20 Q. It is not going to have adverse
21 impacts or it is not going to require more personnel in
22 the long term?

23 A. In the long term.

24 Q. How are you in any position to reach
25 that conclusion? For example --

1 A. By examining our proposals compared
2 with MNR's.

3 Q. Without any knowledge of, in fact,
4 what expertise is already there in the department to
5 carry out your new requirements?

6 A. But our new requirements aren't
7 terribly different from an ongoing existing planning
8 system.

9 Q. Well, but as Mr. Martel pointed out
10 this morning, you are calling for more professionals in
11 various fields and I don't necessarily disagree with
12 those, but I certainly disagree with an argument here
13 that suggests that doesn't require more increased costs
14 and probably increased personnel?

15 A. In the short term.

16 Q. You think you have the expertise to
17 tell the Board that in the long term it's going to
18 require less?

19 A. Yes, based on -- again, based on what
20 we are requesting compared to what MNR is.

21 Q. Looking at Tab 4 again, you suggest
22 in No. 5.5 there with regard to socio-economic
23 assessment that there be an increased manpower need,
24 but no new hardware and what really surprised me was no
25 new software.

1 So I thought from listening to your
2 economists that of course there would be, and it would
3 be logical to me, that if we were, for example, going
4 to venture into the field of evaluating non-timber
5 values, I should hope they would use some new software
6 because I don't think they have got it now.

7 Why would you conclude there is no
8 software requirement there?

9 A. I would conclude that with reference
10 to the word "new", we wouldn't have to - that is the
11 Province of Ontario - wouldn't have to develop this
12 type of software.

13 It is my understanding from people like
14 Dr. Victor and Dr. Kubursi that these types of tools
15 exist on the shelf, so to speak, and can readily be
16 used.

17 Q. If the Ministry doesn't now possess
18 that software it has to acquire it, does it not, and
19 that would suggest to me an added cost for software and
20 you have indicated zero.

21 I mean, my reading of that graph is they
22 are not going to use software for the socio-economic
23 analysis and that I found very surprising.

24 A. Well, I agree that's an
25 inconsistency.

1 Q. Let's look at No. 6(2), Strategic
2 Land Use Plans. You have indicated with regard to that
3 no increase in manpower or hardware or software.

4 Now, any of us that remember the last
5 time SLUP and DLUGS were planned in Ontario it was a
6 pretty massive enterprise. I know you are suggesting
7 it is going to go unit by unit which I don't really
8 understand, but in any event surely there are data
9 accumulation requirements in that process. If there
10 aren't it is a pretty useless process.

11 It took a lot of work from a lot of
12 people, public and private, to do it the last time and,
13 again, I am very surprised that you would suggest no
14 increase in any of those requirements to redo them?

15 A. What I was thinking of there is, it
16 is my understanding that the Strategic Land Use Plans
17 are going to be periodically updated by MNR anyway. So
18 they are going to be doing it. It's not something new.

19 Like, the strategic land use planning
20 exercise, if you like, is not new to this province. It
21 is in place and if memory serves me, even in the
22 documents themselves they say that they will be at some
23 point in the future revised or updated.

24 Q. Okay. Well, my information on that
25 is that the whole question of what, if anything, and

1 when it is going to be done is quite unresolved. In
2 fact, I have a meeting with the Deputy Minister
3 tomorrow to talk about that.

4 As I read your terms and conditions, you
5 are saying it is going to be done, it is going to be done
6 unit by unit and, therefore, it seems to me there are
7 going to be some costs starting right now.

8 A. But I was just going off, as I said,
9 what MNR best available information I had which is
10 that, again, these exercises with reference to
11 strategic land use plan, district land use plans, they
12 are not static, that MNR themselves say they will be
13 periodically revised.

14 Q. Okay. Then you have also talked
15 today, for example, about using predictive tools to
16 forecast watershed impacts. I don't see that reflected
17 in Tab 4, correct me if I am wrong, but, again, aren't
18 there going to be software requirements for that at a
19 minimum as well as training staff to do it?

20 A. Can I just refer to our terms and
21 conditions for a moment?

22 Q. Yes. My question, Dr. Quinney,
23 arises from your testimony today in which you talked
24 about using WRENSS as a watershed forecast technique.
25 I assume that's --

1 A. That's an example of a tool that's
2 being used in another jurisdiction.

3 Q. Right. Presumably it is a
4 computerized tool and it requires software; is that
5 right?

6 A. Yes.

7 Q. Okay.

8 A. I can't put my finger on it. Yes,
9 the watershed impact information would fall under the
10 category Effects Monitoring and I have indicated in Tab
11 4 an increase -- a short-term increase in manpower and
12 a short-term increase in data and documentation.

13 Q. But not software?

14 A. Correct.

15 Q. So isn't it fair for us to conclude,
16 Dr. Quinney, that in fact when if it came to
17 implementing your terms and conditions in detail there
18 are likely to be - at least we have identified some and
19 I expect quite a few more -- let me put the question
20 this way.

21 Isn't it fair to conclude that there are
22 likely to be additional costs and requirements other
23 than what are reflected in your Tab 4?

24 A. Yes, but I don't think there will be
25 a whole lot of them.

1 Q. Yes. Now, I would like to turn
2 briefly to your condition 79 which has to do with
3 bump-up. That's on page 14 of your conditions.

4 You specified here that -- it says:

5 "If 60 per cent of the public advisory
6 committee don't approve either the
7 proposed plan or major amendment...."

8 You said:

9 "...the entire timber management plan or
10 that portion in dispute will be
11 immediately and automatically referred to
12 the Environmental Assessment Board for an
13 EA hearing."

14 Now, you are not a lawyer and I am not
15 asking for your legal opinion, but I am asking you if
16 you have been instructed as to what would be the law or
17 from what jurisdiction you expect a right to an
18 automatic referral to an EA Board hearing in such a
19 circumstance? Is this bump-up or is this something
20 else?

21 A. I can't address the legality. What I
22 can tell you is that the Coalition's counsel is in the
23 process of revising this term and condition.

24 What I can tell you, though, is that the
25 intent of your term and condition 79 will remain the

1 same and that is simply that the local citizens'
2 committee is provided with assurance that in the event
3 of a major dispute third party arbitration can be
4 ensured. That's the intent.

5 What counsel then is doing is trying to
6 ensure that 79 delivers that in the legal framework
7 required.

8 Q. And by that then other than at the EA
9 Board or do you know?

10 A. I don't know at this point.

11 MS. SWENARCHUK: When can be expect to
12 hear that? Can I ask you, Mr. O'Leary.

13 MR. O'LEARY: That's a little difficult
14 to respond to. It will be as soon as the matter can be
15 addressed.

16 MS. SWENARCHUK: Q. Now, I have some
17 questions for -- I guess first for Dr. Quinney.

18 With regard to the letters of support
19 that you received from other groups that you filed in
20 the witness statement and then additionally today, I
21 understand from your response to MNR interrogatory No.
22 5 that you provided letters and a table of contents in
23 page 1 to 9 of your terms and conditions to those
24 parties. I take it you didn't provide the terms and
25 conditions of any of the other parties?

1 DR. QUINNEY: A. No, we did not provide
2 the terms and conditions of all the parties.

3 Q. So it would be incorrect to conclude
4 that these individuals and groups have expressed a
5 preference for the OFAH approach as compared to the
6 approach of any other party here?

7 A. I don't know. All I can say is that
8 they are agreeing with our principles, our positions,
9 and I would also mention that in addition to the
10 highlights; that is basically the first 10 pages out of
11 the terms and conditions, that the terms and conditions
12 themselves of the Coalition were widely circulated.

13 Q. Of the Coalition, yes.

14 A. Yes.

15 Q. Mr. Dickson and Mr. Stewart, I looked
16 at the list of documents, exhibits to the hearing that
17 you reviewed before coming to testify and I didn't see
18 in that list the exhibit numbers for terms and
19 conditions of my clients or of the Ministry of the
20 Environment or of the Ontario Forest Industry.

21 So would it be fair to conclude that you
22 did not review the positions expressed in terms and
23 conditions from the other parties here; is that
24 correct?

25 MR. DICKSON: A. In my case I did see a

1 copy - I won't say I digested it - of Forests for
2 Tomorrow and I did go through it briefly.

3 Q. When was that?

4 A. It was sent with mail that's come
5 from the Coalition over the past couple of months. I
6 think I have it in my briefcase.

7 Q. Mr. Stewart?

8 MR. STEWART: A. Yes, I have your terms
9 and conditions here and I have read them.

10 Q. Okay. My remaining questions are for
11 Mr. Dickson and can you look at Exhibit 2136, first of
12 all, please. That's the access plan review document. I
13 am also going to ask you to look at 2138 which is the
14 forestry impacts document and 2138 which came in today,
15 the NOTO overview. I think that's all we need.

16 MR. DICKSON: A. I have it.

17 Q. Can I ask you first, Mr. Dickson, if
18 you have personally participated in any advisory
19 committees with the Ministry on timber management plans
20 up to the present time?

21 A. No.

22 Q. You have not. Are you aware that in
23 in some areas of the province advisory committees have
24 functioned?

25 A. Yes.

1 Q. And that the Board has heard evidence
2 about some of these committees?

3 A. I would assume so, but...

4 Q. So if we look at these exhibits,
5 2138, 36 and 39, I think the front parts of all of
6 them discuss some of the --

7 A. Excuse me, 36 or 38?

8 Q. Both.

9 A. 39, 38 and 36.

10 Q. That's right.

11 A. Okay, good.

12 Q. All three of them discuss some of the
13 kinds of impacts that forestry operations have on the
14 tourism industry; do they not?

15 A. That's correct.

16 Q. And essentially what I would like to
17 try to understand better is how it is that you think
18 that this planning process is going to resolve the
19 levels of conflicts that are there because we have
20 heard from many people, individuals and groups, about
21 those conflicts.

22 So in 2138, Forestry Impacts on Remote
23 Tourism, for example, we read on the first page, the
24 third paragraph:

25 "Timber operations lessen the client

1 perception of remoteness by massive
2 alterations to the forest structure with
3 clearcutting and large areas of single
4 species silviculture. "

5 In the first paragraph of 2136 --

6 A. The executive summary?

7 Q. Yes. It reads starting midway down
8 the first paragraph:

9 "Such impacts are more frequently caused
10 directly on indirectly by permanent
11 forestry road access development with the
12 potential for facilitating vehicle and,
13 hence, sport fishing and hunting access,
14 noise impacts from road building,
15 cutting operation and timber hauling,
16 visual intrusion upon shorelines and
17 aerial flight paths and other user
18 contact on fly-in lakes."

19 2139 says some similar things.

20 Now, essentially, as I understand it, you
21 have had experience and you indicated that in some of
22 your documentation and your colleagues in your industry
23 have had experience in trying to resolve forestry
24 problems in the MNR way up to now which has involved
25 discussion with MNR staff, frequently district

1 managers. In some other parts of the province it has
2 involved advisory committees.

3 I think my view is that I don't
4 understand why you are so optimistic that this proposed
5 planning process is going to be so much more successful
6 in resolving those conflicts than these other
7 structures have been because it seems to me that the
8 basis of conflict has to do with the use of the
9 resource itself, has to do with the forest industry and
10 its movements into previous wilderness areas as opposed
11 to simply more and better discussions with your
12 neighbours. You talked earlier about talking with your
13 neighbours.

14 So why this confidence that this planning
15 process is going to resolve those conflicts when they
16 have such a fundamental basis in conflicting needs for
17 the resource?

18 A. Something it is better than nothing.

19 Q. Are you saying you have nothing now?

20 A. You have to look, I think, at this
21 issue, the history of it. Historically -- and we just
22 entered another letter here a few moments ago, a
23 historical letter, from people who are responding to
24 the situation that happened.

25 I think in the past, from my experience,

1 it has been very difficult to make everyone understand
2 the problem that our industry was facing and I think
3 the positive thing, if I am following you right, from
4 the advisory committee, the local advisory committee,
5 in a lot of places we haven't had them. We haven't had
6 local advisory committees, and MNR are making progress
7 in that way now.

8 I think when we have the opportunity to
9 present our position to our neighbours in a format
10 other than yelling at each other through the back fence
11 that we do have a better opportunity of others
12 understanding what we want to achieve and, therefore,
13 have a greater impact on MNR through their planning
14 process.

15 Q. Fair enough.

16 A. You have given me -- excuse me, to be
17 as plain as I can be, you have given me five minute
18 dialogue --

19 Q. Take all the time you want to answer.

20 A. I appreciate that. Simply, I'm
21 saying to you, something is better than nothing.

22 In the past, in my experience, we had
23 very little public consultation with anybody. We've
24 had to recap to a situation.

25 This letter says, you know, we wake up

1 one morning and the road is there. In the best
2 interest of your group, your client I would think,
3 that's not healthy.

4 We are not asking to, you know, restrict
5 logging to the point where they can't exist. We are
6 just asking to be considered in a fair and equal way
7 and I think our neighbours who are working in the
8 woods, cutting those trees depending on that for a
9 livelihood don't always understand what we're saying.

10 It's very difficult for a district
11 manager, for instance, to try and be a negotiator or an
12 arbitrator between all these groups when they come in
13 one at a time, day after day, week after week, month
14 after month crying and screaming and accusing and that
15 is why I am so frustrated. I'm very pleased to say,
16 you know, I can talk to OFAH. Now they will talk to
17 us.

18 In the words of Mike Marker who is a
19 senior civil servant in this province and a very well
20 respected one, a former district manager in Atikokan,
21 when we had our first little meeting with some senior
22 civil servants from MNR and MTR, Ministry of the
23 Environment in an in camera session, even MTR was there
24 which was really good, he indicated at the time, if you
25 could join forces with OFAH you would be an irresistible

1 force for the Province of Ontario; i.e., MNR.

2 I found that encouraging, but when we
3 went to the NOTO board or when I did and Betty McGee
4 with that suggestion, because we were alone in the
5 meeting, you know, our board at that time were very
6 nervous about that.

7 So if we can at least get to the table
8 with the MNR we will make their job easier, we should
9 make our job easier and we should make the job of
10 the -- I thought I got that point across earlier. If I
11 didn't I apologize

12 DR. QUINNEY: A. May I add something to
13 that, Ms. Swenarchuk?

14 MR. DICKSON: A. And if I --

15 Q. Let's let Mr. Dickson --

16 A. If I haven't answered your question,
17 give it to me agin and I will try and do it quickly so
18 we can go home.

19 Q. Your answering the questions
20 perfectly well.

21 A. Thank you. Good.

22 Q. I will have some more.

23 A. I can imagine.

24 Q. Please don't have a sense that
25 anything else is the case and I don't want mean to

1 interrupt --

2 A. This is a very emotional, sensitive
3 community issue for the northern communities as a
4 whole. You know, we heard from the other gentleman
5 earlier, the native people.

6 We are trying to bring communities
7 together and keep them together and live there so when
8 my boy goes to school with your boy they are not
9 fighting over his dad who wants to keep trees and my
10 dad who wants to keep them down.

11 Very basic principles here, and it is
12 annoying that we have to go through a process like this
13 to get this even across. I would way sooner be fishing
14 on Half Moon Lake enjoying the scenery in the water.
15 Thank. Good. We are thinking alike.

16 DR. QUINNEY: A. What I was going to add
17 was that the NOTO/OFAH coalition in our terms and
18 conditions are requesting that forecasts be made of the
19 the type of habitat, if you like, that Mr. Dickson's
20 business and the remote tourism operators require in
21 this province.

22 For the first time at the outset when
23 forecasts for wood supply are being made and going to
24 show what is going to benefit the forest industry,
25 let's at the same time see what the supply of habitat,

1 if you like, for Mr. Dickson's businesses will be.

2 Let's see what the suply of habitat for species like
3 pileated woodpeckers will be.

4 In doing so at the outset in forecasting
5 like that we can look down the road and we can choose
6 from those possible futures rather than find the
7 situation where, Mr. Dickson has described over the
8 last couple of days, where in some cases literally
9 overnight an access road is put into place.

10 So by calling for long-term forecasts we
11 can get an indication of which areas in an FMU will
12 remain road inaccessible, which will have some kind of
13 road network et cetera, et cetera.

14 MR. DICKSON: A. You can do some long
15 range planning.

16 Q. Fair enough. My problem, Mr.
17 Dickson, and if I am going to be so bold as to say it
18 seems to me your problem is that forecasting and all
19 these wonderful technological tools don't deal with
20 one, to me, your most fundamental problem and that is
21 the political and economy power of the forest industry?

22 A. I couldn't agree with you more.

23 Q. All right.

24 A. Thank you.

25 Q. Now, if we look at some of the forest

1 industry impacts on tourism that are outlined in the
2 documents you provided and that the Board has heard
3 about before, it seems to me that what your group
4 really needs is in various areas not just better
5 planning where a road goes, but a reduction or a change
6 in allocations, the forest industry extraction itself.

7 That's really what's going to protect the
8 remoteness of some of your industry; isn't that
9 correct?

10 A. Including an attitudinal change that
11 has been taking place, changes in the planning process,
12 I think I would agree with you, if that's what you're
13 suggesting.

14 Q. There has to be changes in planning
15 decisions, not just the process?

16 A. And if we could take it a step
17 further the accountability.

18 Am I following her?

19 Q. That's fine. Would you turn for a
20 moment to Exhibit 2136 and these are the --

21 A. What page.

22 Q. Page 75. Page 2136.

23 Madam Chair, I would hope to finish
24 within 15, 20 minutes if you would agree to allow me to
25 finish today. I would be most appreciative.

1 MADAM CHAIR: We will sit until you
2 finish, Ms. Swenarchuk.

3 MS. SWENARCHUK: Q. Exhibit 2136, page
4 74 and 75.

5 DR. QUINNEY: A. 74 and 75.

6 Q. Yes. If I look at paragraphs 8, 9
7 and 10 there, the proposals for protection of the local
8 tourism area, paragraph 8 refers to a central no-cut
9 core; paragraph 9, a sensitive management tourism
10 area - I am going to ask you about that in a moment -
11 paragraph 10, cutting setbacks from remote lakes.

12 Wouldn't a sensitive management tourism
13 area likely be one in which forestry operations would
14 be reduced or eliminated or done differently?

15 MR. DICKSON: A. Yes.

16 Q. So at least those three paragraphs,
17 it seems to me, all reflect what seems to be your real
18 problem and that is how forest operations are done?

19 A. That's correct.

20 Q. So really for protecting the tourism
21 industry, it seems to me, that your solution is not
22 going to lie simply in a much more technologically
23 based planning process, but in decisions like that
24 impact on how the forest industry itself operates?

25 A. I would say that's correct.

1 MS. SWENARCHUK: Those are my questions.

2 Thank you, Madam Chair.

3 MR. O'LEARY: That was painless.

4 MADAM CHAIR: Thank you very much, Ms.
5 Swenarchuk.

6 Mr. Cassidy, how long will you be
7 tomorrow?

8 MR. CASSIDY: I am hopeful I can complete
9 in less than two hours, but it may take the two hours.

10 MADAM CHAIR: Ms. Seaborn?

11 MS. SEABORN: I think probably an hour,
12 but perhaps after I also listen to Mr. Cassidy it
13 should be less than that I think. Certainly I have cut
14 out some areas based on Ms. Swenarchuk's
15 cross-examination.

16 MADAM CHAIR: Mr. Freidin?

17 MR. FREIDIN: I will be hardpressed to
18 finish tomorrow.

19 MADAM CHAIR: What's your best guess
20 right now?

21 MR. FREIDIN: A day. That's reduced
22 from the day and a half that I estimated yesterday.

23 MADAM CHAIR: What flight arrangements
24 did your witnesses have tomorrow, Mr. O'Leary?

25 MR. STEWART: My arrangements were to

1 leave on Friday morning.

2 MR. O'LEARY: Mr. Stewart I believe, as
3 he indicated, has a meeting with Mr. Mecredi on Friday
4 and I don't know specifically what Mr. Dickson --

5 MR. DICKSON: I have a meeting with the
6 President of the United States on Friday. That happens
7 to be my wife and family at nine o'clock, but we can
8 change that.

9 MADAM CHAIR: Well, Mr. Freidin, you
10 might discuss if we are going to have to -- if you are
11 not going to finish tomorrow, then please discuss after
12 today's session with Mr. O'Leary what the alternatives
13 could be to getting your cross-examination done.

14 MR. FREIDIN: Well, you mean on days
15 other than tomorrow?

16 MADAM CHAIR: Well, if you are telling us
17 you won't be finishing tomorrow, yes.

18 MR. FREIDIN: Would the Board have any --
19 or indicate any preference for any other days to
20 continue. Obviously we will have to finish next week.
21 You indicated Friday is out.

22 Does the Board have any preference?

23 MADAM CHAIR: Well, the Board will make
24 itself available. I think our first concern would be
25 about the witness and how they will -- they don't live

1 next door.

2 MR. DICKSON: Friday is definitely out?

3 MADAM CHAIR: Friday is out definitely
4 for Mr. Stewart, we understand.

5 MR. DICKSON: Yes, that's right. This
6 lady got me rattled.

7 MR. O'LEARY: Perhaps I can ask, Madam
8 Chair, whether or not Mr. Freidin --

9 MADAM CHAIR: Yes, Mr. O'Leary.

10 MR. O'LEARY: If it would help if he
11 stayed a little later tonight. I don't know how
12 long -- if it is going to be a full day, then I guess
13 it is not going to be...

14 MR. FREIDIN: It is very difficult for me
15 to call this, Madam Chair. You never know, I might
16 finish in five hours. I may suggest we sit until six
17 o'clock tomorrow night or go for dinner and come back
18 for an hour hour or two.

19 I will do whatever I can to try to finish
20 it off tomorrow. It might be a request to stay late if
21 we are all thinking straight that is at 4:30 or 5:00,
22 but I just can't promise you that I can finish with the
23 time left in a normal based on the estimates given by
24 other counsel.

25 MR. CASSIDY: Madam Chair, can I suggest

1 we start at 8:30 tomorrow and if we start at 8:30
2 tomorrow there is a very good chance I will be done
3 before the break at a quarter to ten, for example.
4 That might help. Take a shortened lunch.

5 MADAM CHAIR: All right. We will start
6 at 8:30 tomorrow morning.

7
8 ---Whereupon the hearing was adjourned at 4:10 p.m., to
9 be reconvened on Thursday, March 5, 1991 commencing
10 at 8:30 a.m.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 MC [C. copyright 1985]

